

Gonzaga University School of Law

Legal Studies Research Paper No. 2018-01

REFUGEES, RIGHTS, AND RESPONSIBILITIES: BRIDGING
THE INTEGRATION GAP

MEGAN J. BALLARD

REFUGEES, RIGHTS, AND RESPONSIBILITIES: BRIDGING THE INTEGRATION GAP

MEGAN J. BALLARD*

ABSTRACT

Closing U.S. borders to refugees will not likely enhance domestic security. The United Nations (“U.N.”) and some Western democracies suggest that a policy of integrating refugees may more effectively promote the security interests of both refugees and the countries in which they resettle. Refugee integration is a multifaceted process requiring accommodation on behalf of individual refugees and host societies. The U.N. High Commissioner for Refugees (“UNHCR”) requires states admitting resettled refugees to facilitate their integration. Contrary to this mandate, the U.S. government has not strived to integrate the refugees it has agreed to resettle within its borders. Instead, federal policy emphasizes rapid and minimal economic self-sufficiency for refugees, which is consistent with other government policies that privatize social welfare for the poor. When compared to a theoretical model of refugee integration, this

* Professor, Gonzaga University School of Law. I am grateful to current and former Gonzaga colleagues for valuable feedback on drafts of this work, including Kim Pearson, Mary Pat Treuthart, Linda Rusch, and Gerry Hess. Special thanks to Gerry Hess for suggesting I write about my experiences teaching refugees about U.S. law and justice. I am grateful also to participants at the Brigham Young University law faculty workshop, including the insightful comments by Kif Augustine-Adams and Carolina Núñez; to participants at the University of San Francisco law faculty workshop, including Tristin Green, Julie Nice, Maria L. Ontiveros, and Lee Ryan; and to participants at the International Meeting on Law and Society, Mexico City, June 20, 2017, particularly Veronica Fynn Bruey and Raquel Aldana. Finally, many thanks to Nyachom Chiek, Ashley Sundin, and Cara Verhaeghe for outstanding research assistance.

article concludes that U.S. resettlement efforts fall short of an integration process. To the contrary, the U.S. strategy of prioritizing immediate participation in the work force undermines the successful incorporation of many refugees into American society. This failure stands to impair the security interests of both refugees and host communities.

Community efforts can help fill the gap between the inadequate U.S. resettlement program and the UNHCR's integration mandate. The Author has presented workshops on U.S. law to educate local refugees about their legal rights and responsibilities. These workshops – described in this article – reflect one way in which host communities can foster integration, even in the absence of a national integration policy. Such a local effort can promote mutual understanding and safety.

2017] *Refugees, Rights, and Responsibilities* 187

TABLE OF CONTENTS

1.	Introduction	188
2.	International Framework Intended to Protect Refugees: Durable Solutions	193
3.	Refugee Resettlement Theory, Policy and Practice	200
	3.1. <i>Theory and Policy</i>	201
	3.1.1. <i>Refugee Integration</i>	202
	3.1.2. <i>Refugee Integration Model</i>	204
	3.1.3. <i>Integration in Canada</i>	209
	3.2. <i>USRAP Policy, Practice, and Flaws</i>	214
	3.3. <i>Bridging the Gap</i>	226
4.	A Practical Proposal	229
	4.1. <i>Goals and Structure</i>	234
	4.2. <i>Logistics</i>	236
	4.3. <i>Challenges and Subsequent Alterations</i>	238
	4.3.1. <i>Content Versus Time</i>	238
	4.3.2. <i>Language Interpretation</i>	240
	4.3.3. <i>Physical Facilities</i>	240
	4.3.4. <i>Photos and Media Coverage</i>	240
	4.4. <i>Specific Content Issues: Domestic Violence and Political Violence</i>	242
	4.5. <i>Next Steps</i>	243
5.	Conclusion	244

1. INTRODUCTION

One week into his presidency, President Trump temporarily closed U.S. borders to refugees because of national security concerns.¹ While it was an abrupt policy shift at the time, the United States has a record of excluding immigrants based on race, national origin, gender, religion, and sexual orientation to protect national security and prevent cultural conflict.² Many of these historical barriers to immigration have proved either unconstitutional, unwise, or

¹ See Exec. Order No. 13,769, 82 Fed. Reg. 8977 (Jan. 27, 2017) (§§ 5(a) and (d)) (announcing the Trump administration's suspension of all refugee admissions on January 27, 2017 for at least 120 days and proclaiming that entry of more than 50,000 refugees during the 2017 fiscal year would be detrimental to the interests of the United States. This order also temporarily barred travel from seven countries and indefinitely suspended travel from Syria); see also Exec. Order No. 13,780, 82 Fed. Reg. 13209 (Mar. 6, 2017) (revising the previous order after a federal judge blocked it by similarly suspending refugee admissions, but reversing the indefinite ban on Syrian refugees, restricting travel from six countries, and making other changes); U.S. Dep't of State, Bureau of Population, Refugees, and Migration Office of Admissions-Refugee Processing Center, *Summary of Refugee Admissions as of 31-December-2016*, www.wrapsnet.org/s/Graph-Refugee-Admissions-since-19751617.xls [<https://perma.cc/34CZ-YYZH>] (indicating that prior to these Executive Orders, the United States had increased the number of refugees it admitted in the five years preceding 2017). See, e.g., Presidential Determination on Refugee Admissions for Fiscal Year 2017, Pres. Determin. No. 2016-13, 81 Fed. Reg. 70, 315, (Sept. 28, 2016) (noting that near the end of his second term President Obama authorized a thirty-five percent increase in the number of refugees to be admitted during the fiscal year beginning October 2016 – to 110,000 – compared to the prior fiscal year).

² See T. Alexander Aleinikoff & Rubén G. Rumbaut, *Terms of Belonging: Are Models of Membership Self-Fulfilling Prophecies?*, 13 GEO. IMMIGR. L.J. 1, 4-5 (1998) (discussing the past U.S. practice of race-based immigration controls); see also MARGOT CANADAY, *THE STRAIGHT STATE: SEXUALITY AND CITIZENSHIP IN TWENTIETH-CENTURY AMERICA* 21-22 (2012) (explaining the previous U.S. policy of screening at the border for "perversion," or homosexuality). Organized opposition to immigration formed in the United States as early as the 1850s, in part out of concern that radical politics and other differences brought by newcomers could destabilize local populations. See HIROSHI MOTOMURA, *AMERICANS IN WAITING: THE LOST STORY OF IMMIGRATION AND CITIZENSHIP* 20 (2006) (discussing the rise of the nativist Know-Nothing movement in the United States in the 1850s). Laws to exclude or deport immigrants because of national security concerns are rooted in the late 1800s. *Id.* at 39. See also MICHAEL FIX ET AL., *MIGRATION POLICY INSTITUTE, HOW ARE REFUGEES*

both.³ Lawyers and others have criticized President Trump's exclusionary executive orders on similar grounds.⁴ At a time when record numbers of people around the globe have fled their homes due to persecution, violence, or human rights abuses, closing the U.S. borders will only expose refugees to continued risks and fails to enhance safety in the United States.⁵ Moreover, the administration's refugee ban, coupled with its anti-immigrant rhetoric, has fueled xenophobic and racist narratives further endangering refugees who have already relocated to the United States.

To the extent that resettled refugees threaten domestic security, the United Nations ("U.N.") and others suggest that integrating

FARING? INTEGRATION AT U.S. AND STATE LEVELS 7 (2017) (characterizing the Trump administration's Executive Orders as marking a "sharp break with past policy.").

³ See Aleinikoff & Rumbaut, *supra* note 2, at 4-5 (noting "constitutional restrictions on state discrimination against aliens" as a feature of the current United States model of membership); see also MOTOMURA, *supra* note 2, at 64-65, 183, 188 (concluding that exclusionary practices make immigrants feel unwelcome, rendering them reluctant to integrate).

⁴ See, e.g., *Washington v. Trump*, 847 F.3d 1151 (9th Cir. 2017) (positing that the executive order violates the First, Fifth, and Tenth Amendments); *Int'l Refugee Assistance Project v. Trump*, 847 F.3d 554, 579 (D. Md. 2017) (claiming that the executive order violates the Establishment Clause of the First Amendment and the Due Process Clause of the Fifth Amendment); *Hawai'i v. Trump*, 241 F.Supp.3d 1119, 1128 (D. Haw. 2017) (arguing that the executive order violates the First and Fifth Amendments).

⁵ See Volker Türk, Assistant High Comm'r for Protection, Address to the 44th INTERPOL European Regional Conference: Security and International Refugee Protection-UNHCR's Perspective, 2 (May 18-20, 2016), <http://www.unhcr.org/573c8e987.pdf> [https://web.archive.org/web/20170929155015/http://www.unhcr.org/573c8e987.pdf] ("UNHCR has seen time and again that giving primacy to a security focus at the expense of ensuring refugee protection has failed to bring about the desired results, often at great expense to taxpayers"); see also Alex Nowrasteh, *Little National Security Benefit to Trump's Executive Order on Immigration*, CATO INSTITUTE (Jan. 25, 2017), <https://www.cato.org/blog/little-national-security-benefit-trumps-executive-order-immigration> [https://perma.cc/2S4A-6RAW] (explaining, based on low numbers of foreigners convicted of terrorism-related offenses on U.S. soil, why the Executive Orders will not actually decrease the likelihood of such attacks or increase national security); see also U.N. High Comm'r for Refugees, *UNHCR Global Trends: Forced Displacement in 2016*, UNHCR (June 21, 2017), <http://www.unhcr.org/en-us/statistics/unhcrstats/5943e8a34/global-trends-forced-displacement-2016.html> [https://web.archive.org/web/20170929155606/http://www.unhcr.org/en-us/statistics/unhcrstats/5943e8a34/global-trends-forced-displacement-2016.html] [hereinafter U.N. High Comm'r for Refugees, *Global Trends 2016*] (documenting the record high numbers of forcibly displaced people around the world).

newcomers into the fabric of society can mitigate this risk.⁶ The United Nations High Commissioner for Refugees (“UNHCR”) specifically instructs the thirty-seven official U.N. refugee resettlement states “to facilitate the integration of refugees recognized in their country.”⁷ Through adaptation on the parts of both the host society and refugees, integration is intended to promote a resettlement state’s national security by minimizing disaffected ethnic enclaves. Many Western democracies formulated policies to facilitate this two-way integration process and build social cohesion in the early 2000s following terrorist attacks in the United States and London.

Integration also works to resolve refugees’ security concerns and ease the difficult process of resettlement. Refugees have fled from their homes because of threats to their safety. As they migrate seeking protection, their security often continues to be at risk. Resettlement provides a significant measure of safety, but resettled refugees face the enormous task of learning about the language, customs, and culture of their new home. At the same time, many newly resettled refugees contend with the longer-term effects of the violence or persecution that caused them to escape their prior communities. Adjusting to a new environment within a community unreceptive to refugees is more challenging and can pose new threats to refugee safety.⁸ An integration process can help refugees and communities

⁶ Türk, *supra* note 5, at 4–5 (determining that integration within a host community is central to the security of both the host community and refugees); see also Sergio Marchi, *What is Migration Without Integration?*, 24 REFUGEE SURV. Q. 22, 25 (2005) (indicating that integration can help prevent immigrant groups from marginalization and becoming a destabilizing element in society).

⁷ U.N. High Comm’r for Refugees, *The Integration of Resettled Refugees: Essentials for Establishing a Resettlement Programme and Fundamentals for Sustainable Resettlement Programmes*, 6 (2013), <http://www.unhcr.org/en-us/protection/resettlement/52a6d85b6/integration-resettled-refugees-essentials-establishing-resettlement-programme.html> [https://web.archive.org/web/20170929204019/http://www.unhcr.org/en-us/protection/resettlement/52a6d85b6/integration-resettled-refugees-essentials-establishing-resettlement-programme.html] [hereinafter U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*].

⁸ See, e.g., ACLU of Idaho Launches 10-Language Anti-Harassment Campaign, IDAHO STATE J. (Jan. 11, 2017), http://idahostatejournal.com/members/aclu-of-idaho-launches-language-anti-harassment-campaign/article_01a5fdd8-10ea-5b1c-9e61-https://perma.cc/37CX-U969 (launching an anti-harassment campaign in response to increased reports of harassment of refugees across Idaho and the entire country); Adeel Hassan, *Refugees Discover 2 Americas: One that Hates, and One that Heals*, N.Y. TIMES (Nov. 14, 2016), <https://www.nytimes.com/2016/11/15/us/refugees-discover-2-americas-one-that-hates-and->

adapt, lending further protection to refugees and the societies in which they relocate.

The United States has accepted more refugees than all other resettlement states combined.⁹ Despite its prior status as a haven for resettled refugees, the United States has not expressly adopted a policy of integrating newly-arrived refugees. If there is any prevailing policy that guides the layers of government involved in U.S. refugee resettlement it could be articulated as economic self-sufficiency through rapid employment. This policy is nested within the broader neoliberal framework of privatizing social welfare. As such, it is consistent with other programs for the poor that link benefits to work and sanction impoverished families and individuals for failure to comply with work requirements.¹⁰

one-that-heals.html [<https://perma.cc/X9FL-3QPM>] (recounting threats against refugees in communities across the United States); COMM. ON FOREIGN RELATIONS, 111th Cong., ABANDONED UPON ARRIVAL: IMPLICATIONS FOR REFUGEES AND LOCAL COMMUNITIES BURDENED BY A U.S. RESETTLEMENT SYSTEM THAT IS NOT WORKING (Comm. Print 2010), at 7 [hereinafter ABANDONED UPON ARRIVAL] (reporting tensions and confrontations between refugees and host communities in two U.S. cities in light of insufficient resettlement resources to the communities); FIX ET AL., *supra* note 2, at 2 (noting a “backlash” against the refugee program from communities concerned about budget shortfalls and unemployment rates); MELANIE NEZER, RESETTLEMENT AT RISK: MEETING EMERGING CHALLENGES TO REFUGEE RESETTLEMENT IN LOCAL COMMUNITIES 8, 10-13 (2013), http://www.hias.org/sites/default/files/resettlement_at_risk_1.pdf [<https://perma.cc/XS9Z-PV4L>] (discovering that communities are becoming resentful of using scarce resources to meet the needs of resettled refugees, including communities debating banning additional refugees).

⁹ See U.N. High Comm’r for Refugees, *Resettlement Fact Sheet 2014*, (2014), <http://www.unhcr.org/en-us/579afcdc7> [<https://web.archive.org/web/20170929160859/http://www.unhcr.org/en-us/579afcdc7>] (reporting that 48,911 refugees departed for resettlement in the United States in 2014, out of a total of 73,008 worldwide); U.N. High Comm’r for Refugees, *Resettlement Fact Sheet 2015*, (2015), <http://www.unhcr.org/en-us/524c31a09> [<https://web.archive.org/web/20170929161131/http://www.unhcr.org/en-us/524c31a09>] (reporting that 52,583 refugees departed for resettlement in the United States in 2015, out of a total 81,893 worldwide); see also, U.S. STATE DEP’T, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, <https://www.state.gov/j/prm/ra/index.htm> [<https://perma.cc/JTJ5-2WHQ>] (asserting that the United States receives over two-thirds of all refugees resettled, “more than all other resettlement countries combined.”). The United States, however, is not one of the leading host countries for refugees. See U.N. High Comm’r for Refugees *Global Trends 2016*, *supra* note 5, at 17, and *infra* note 35, and accompanying text.

¹⁰ Julie Nice, *Poverty as an Everyday State of Exception*, in ACCUMULATING INSECURITY, VIOLENCE AND DISPOSSESSION IN THE MAKING OF EVERYDAY LIFE 49, 64 (Shelley Feldman et al., eds., 2011).

This article makes two sets of assertions. First, it contends that the free-market approach to resettling refugees not only fails to live up to the UNHCR integration mandate, but undermines it. It reaches these conclusions by exploring the contours and consequences of the rapid employment strategy. It then analyzes the U.S. resettlement program compared to a persuasive conceptual integration framework.¹¹ The theoretical model employed identifies interdependent elements of integration, including the foundational element of “citizenship and rights.”¹² This analysis illustrates how the U.S. rapid employment emphasis falls short of – and impairs – long-term integration.

Second, the article prescribes community-based integration measures to fill the gap between inadequate U.S. resettlement policies and the UNHCR requirement that resettlement states promote integration. There likely are endless variations of community-based interactions that can meet one or more elements of integration. This article, however, focuses on the development of workshops to provide refugees with information on their legal rights and obligations based on the Author’s experience in coordinating such programs. These programs not only help meet the UNHCR’s integration mandate, but they support even the limited economic self-sufficiency standard central to U.S. resettlement efforts.

This work fortifies a weak realm within the scholarly discourse on forced migration and refugee resettlement. Analyses of integration as a refugee resettlement policy or a normative concept in the United States is thin, as are scholarly efforts to locate the United States’ emphasis on economic self-sufficiency within an integration framework.

The implications of this analysis may extend beyond refugee resettlement. The two-way process of integration would likely promote the well-being and settlement of all immigrants in the United States, not just refugees.¹³ Similarly, such a process might help to alleviate the marginalization of the growing number of poor people

¹¹ See Alastair Ager & Alison Strang, *Understanding Integration: A Conceptual Framework*, 21 J. OF REFUGEE STUD. 166 (2008); see also *infra* Section 3.3.2.

¹² Ager & Strang, *supra* note 11, at 166, 173.

¹³ See, e.g., *infra* Section 3.3.3. (discussing Canada’s approach to integrating refugees and immigrants).

in the United States.¹⁴ While these issues are beyond the scope of the present work, they provide fertile ground for future exploration.

This article begins by describing the international legal structure intended to balance the security interests of refugees and host societies. Section 3 turns to resettlement policy trends, discussing the current emphasis on integration—a strategy that evolved, in part, to address the security concerns of resettlement states. Here, the article explains a conceptual model of refugee integration that frames the remaining analysis. It also briefly reviews Canada’s integration efforts because many policy analysts suggest Canada is an exemplar of integration success. This Section evaluates the U.S. resettlement focus on rapid economic self-sufficiency by comparing it to the theoretical integration model earlier described. Doing so supports the conclusion that the U.S. refugee resettlement program not only fails to meet the UNHCR integration mandate, but it impairs successful resettlement for many refugees. Finally, this Section prescribes community-based efforts to promote refugee integration. Section 4 suggests collaborative workshops on law and legal processes offered to refugees and immigrants as a step which not only tends to support the inadequate jobs first strategy in the United States, but also facilitates the integration of refugees. This Section provides details of the collaboration and workshops with the hope that other communities will replicate this project.

2. INTERNATIONAL FRAMEWORK INTENDED TO PROTECT REFUGEES: DURABLE SOLUTIONS

By the end of 2016, 65.6 million people around the globe had been forced to flee from their homes due to persecution, violence, or

¹⁴ An integration model may well facilitate the incorporation of poor people into a larger social and economic mainstream, but there is no requirement for doing so, akin to the UNHCR mandate for resettled refugees. See U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*, *supra* note 7.

human rights abuses.¹⁵ This staggering number of displaced people continues to grow.¹⁶

Despite this surge in forced migration, the general international framework for protecting refugees has changed very little since the post-World War II period. The protection regime is grounded in the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol (“Refugee Convention”).¹⁷

Drafters of the Refugee Convention worked to balance refugee security with security concerns of states and host communities.¹⁸ The Convention establishes a limited definition of a “refugee” as a person who has crossed an international border, has a well-founded fear of persecution based on one of five specified reasons, and is unwilling or unable to return home because of that fear.¹⁹ It excludes

¹⁵ U.N. High Comm’r for Refugees *Global Trends 2016*, *supra* note 5, at 2. In 2013, the number of people forcibly displaced around the globe exceeded for the first time those displaced by World War II. U.N. High Comm’r for Refugees, *UNHCR Statistical Year Book 2013*, 6 (2015), <http://www.unhcr.org/en-us/statistics/country/54cf9bd69/unhcr-statistical-yearbook-2013-13th-edition.html> [<https://web.archive.org/web/20170929161332/http://www.unhcr.org/en-us/statistics/country/54cf9bd69/unhcr-statistical-yearbook-2013-13th-edition.html>].

¹⁶ UNHCR reported that the numbers of displaced people have grown substantially since 1997. U.N. High Comm’r for Refugees *Global Trends 2016*, *supra* note 5, at 5. While the conflict in Syria produced the largest displaced population in 2015, significant numbers of people are being forced to flee their homes elsewhere in the Middle East, Africa, and Europe (Ukraine). *Id.* at 6.

¹⁷ This convention builds from the 1948 Universal Declaration of Human Rights, which protects people seeking asylum from persecution in other countries. Office of the U.N. High Comm’r for Refugees, *Introductory Note, CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES 2* (DEC. 2010), <http://www.unhcr.org/3b66c2aa10.pdf> [<https://perma.cc/B987-PZYE>].

¹⁸ See Türk, *supra* note 5, at 2 (noting that both security and protection “are best achieved through an integrated approach.”).

¹⁹ “[A]ny person who . . . owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” United Nations Convention Relating to the Status of Refugees art. 1, ¶ A(2), July 28, 1951, 189 U.N.T.S. 137 [hereinafter 1951 Refugee Convention], as amended by United Nations Protocol Relating to the Status of Refugees art. 1, ¶ 2, Dec. 31, 1967, 606 U.N.T.S. 267 [hereinafter 1967 Protocol]. The original convention was approved in 1951 to protect people who became refugees before January 1, 1951 because of war in Europe. See U.N. High Comm’r for Refugees, *The 1951 Convention*

from international protection anyone responsible for serious non-political crimes, war crimes, or crimes against peace or humanity, even though the person otherwise meets the definition of a refugee.²⁰ Moreover, the Convention allows host states to expel a previously-admitted refugee to protect national security or public order.²¹

The Refugee Convention also identifies basic minimum standards for protecting displaced people who meet the refugee definition.²² It calls on contracting states to “as far as possible,” “facilitate the assimilation and naturalization of refugees.”²³ The Convention’s *nonrefoulement* protection prohibits contracting states from returning a refugee to a border or area where his or her life or freedom would be threatened because of race, religion, nationality, membership in a particular social group, or political opinion.²⁴ In addition, the Convention obligates states to cooperate with the UNHCR.²⁵ The 1951 Convention, its 1967 protocol, or both have been ratified by 148 states, including the United States.²⁶

Related to the Status of Refugees and its 1967 Protocol, 4 (Sept. 2011), <http://www.unhcr.org/en-us/protection/convention/4dac37d79/reservations-declarations-1967-protocol-relating-status-refugees.html> [https://web.archive.org/web/20170929161555/http://www.unhcr.org/en-us/protection/convention/4dac37d79/reservations-declarations-1967-protocol-relating-status-refugees.html] [hereinafter U.N. High Comm’r for Refugees, *1951 Convention*]. The 1967 Protocol removed the geographical and time limits. The United States acceded to the 1967 Protocol in 1968 with two reservations. See *id.* at 2, 5 (noting reservations to Article 29, on taxation of refugees, and to Article 24 1(b), on the provision of social security, to the extent that the provision is inconsistent with the U.S. Social Security Act); see also 1967 Protocol, *supra*.

²⁰ U.N. High Comm’r for Refugees, *1951 Convention*, *supra* note 19, at art. 1, ¶ F.

²¹ *Id.* at art. 32.

²² Different regional instruments offer additional protection for refugees. See, e.g., Council Directive 2004/83/EC, 2004 O.J. (L 304) 12 (EU); Org. of African Unity (OAU), Convention Governing the Specific Aspects of Refugee Problems in Africa, Sept. 10, 1969, 1001 U.N.T.S. 45; Cartagena Declaration on Refugees, Colloquium on the Int’l. Protection of Refugees in Central America, Mex.-Pan., Nov. 22, 1984, (<http://www.refworld.org/cgi-bin/tehis/vtx/rwmain?page=printdoc&docid=3ae6b36ec>) [https://perma.cc/NY6N-BU46].

²³ U.N. High Comm’r for Refugees, *1951 Convention*, *supra* note 19, at art. 34.

²⁴ *Id.*, at art. 33. The Refugee Convention extends additional rights to refugees located in states that are party to it, including rights to court access (art. 16), to education (art. 22), to work (art. 17), to free movement within the territory (art. 26), and to travel documents (art. 28), among others.

²⁵ U.N. High Comm’r for Refugees, *1951 Convention*, *supra* note 19, at art. 35.

²⁶ *Id.* at 4.

The UNHCR addresses the plight of refugees through three “durable solutions” – voluntary repatriation, local integration, or resettlement.²⁷ A durable solution is one that ends displacement so that refugees can “lead normal lives.”²⁸ First, refugees can be voluntarily repatriated to their country of origin if the context allows return in safety and dignity. Alternatively, refugees can be integrated into a host country that provides initial asylum. This second solution should allow a refugee to integrate legally, economically, and socially. Finally, refugees can be resettled to a third country that has agreed to admit them as refugees with permanent residence status.²⁹ Resettlement is offered to less than one percent of the world’s refugee population – traditionally to those identified by the UNHCR as most vulnerable.³⁰

The UNHCR works with thirty-seven “resettlement states,” including the United States, to implement the third durable solution.³¹ Of these countries, the United States accepts over half of all resettled

²⁷ U.N. High Comm’r for Refugees, UNHCR RESETTLEMENT HANDBOOK 28 (July 2011) [<https://perma.cc/B45F-QS82>][hereinafter UNHCR RESETTLEMENT HANDBOOK]. The U.S. Department of State recognizes these same durable solutions. See DEP’T OF STATE, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, <http://www.state.gov/j/prm/about/index.htm> (last visited Jan. 7, 2017), [<https://perma.cc/JTJ5-2WHQ>] (describing the work of the Bureau of Population, Refugees, and Migration as helping the international community develop durable solutions, and listing repatriation, local integration and resettlement as these solutions).

²⁸ UNHCR RESETTLEMENT HANDBOOK, *supra* note 27, at 28.

²⁹ *Id.* UNHCR defines “resettlement” as follows: “Resettlement involves the selection and transfer of refugees from a State in which they have sought protection to a third State which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against *refoulement* and provides a resettled refugee and his/her family or dependents with access to rights similar to those enjoyed by nationals. Resettlement also carries with it the opportunity to eventually become a naturalized citizen of the resettlement country.” *Id.* at 3.

³⁰ NEZER, *supra* note 8, at 5. See U.N. High Comm’r for Refugees, FREQUENTLY ASKED QUESTIONS ABOUT RESETTLEMENT, 4 (November 2013), <http://www.unhcr.org/hk/wp-content/uploads/sites/13/2016/04/FAQ-about-Resettlement.pdf> [<https://perma.cc/DEY4-JZML>] [hereinafter U.N. High Comm’r for Refugees, FREQUENTLY ASKED QUESTIONS] (stating that resettlement generally “requires the identification of particularly vulnerable people within a much larger group of refugees.”).

³¹ U.N. High Comm’r for Refugees, *Global Trends 2016*, *supra* note 5, at 27.

refugees, with Canada and Australia the next two largest resettlement states.³² Yet, when considering the magnitude of global forced displacement, the United States accepts a small number of refugees.³³ It admitted 85,000 in the fiscal year ending September 2016, at a time when the UNHCR reported 22 million refugees worldwide.³⁴ Developing regions in the global south host eighty-four percent of the world's overall refugee population.³⁵

The U.S. Refugee Act of 1980 ("Refugee Act") is the first and most comprehensive federal legislation guiding the overseas refugee admission program and establishing a process of asylum within U.S. borders.³⁶ It codifies the U.N. Refugee Convention's definition of "refugee"³⁷ and allows refugees to petition to make their home in the United States by means of the durable solutions of resettlement or local integration through asylum.³⁸ In other words, U.S. law pro-

³² *Id.*

³³ From 2013 through 2015, when displacement was at record levels, the United States admitted less than 210,000 refugees from outside its borders and granted asylum to less than 46,000 within the United States. The U.S. State Department, Bureau of Population, Refugees, and Migration, reports that 209,846 refugees were admitted between 2013 and 2015, inclusive. U.S. STATE DEP'T, BUREAU OF POPULATION, REFUGEES, AND MIGRATION, CUMULATIVE SUMMARY OF REFUGEE ADMISSIONS (Dec. 31, 2015), <https://2009-2017.state.gov/j/prm/releases/statistics/251288.htm>. [<https://perma.cc/F8HU-4R8L>]. The total number who have gained asylum status during those three years is 47,666. NADWA MOSSAAD, DEP'T OF HOMELAND SEC., OFF. OF IMMIGR. STAT., REFUGEES AND ASYLEES: 2015 6 (Nov. 2016), https://www.dhs.gov/sites/default/files/publications/Refugees_Astylees_2015.pdf [<https://perma.cc/DWM6-9FW9>].

³⁴ See U.N. High Comm'r for Refugees, *Global Trends 2016*, *supra* note 5 (reporting 22.5 million refugees at the end of calendar year 2016); U.S. Dep't of State, Bureau of Population, Refugees, and Migration, *Refugee Arrivals*, *supra* note 1 (reporting total arrivals for the fiscal year ending September 30, 2016 at 84,995).

³⁵ U.N. High Comm'r for Refugees, *Global Trends 2016*, *supra* note 5, at 2.

³⁶ Refugee Act of 1980, Pub. L. No. 96-212, 94 Stat. 102 (1980) (amending the Immigration and Nationality Act and the Migration and Refugee Assistance Act of 1962). See THOMAS A. ALEINIKOFF ET AL., IMMIGRATION AND CITIZENSHIP: PROCESS AND POLICY 813 (7th ed. 2012) (noting that Congress was "focused on reforming the overseas refugee admissions programs.").

³⁷ Refugee Act of 1980, Pub. L. No. 96-212, § 201 (1980); Immigration and Nationality Act, 8 U.S.C. § 1101 (a) (42) (2014).

³⁸ Refugee Act of 1980, Pub. L. No. 96-212, §§ 207 (resettlement), 208 (asylum) (1980); Immigration and Nationality Act, 8 U.S.C. §§ 1157 (resettlement), 1158 (asylum) (2014).

vides two avenues for a person to acquire refugee status: as a resettled refugee from outside the United States and as a successful asylum seeker from within the United States or at a U.S. port of entry.

For this first avenue, the Refugee Act authorizes the President, in consultation with Congress, to establish a maximum number each year of refugees located outside of the United States who will be allowed to resettle in the country.³⁹ These refugees are often living in camps, settlement regions, or urban centers near conflict areas when they apply for resettlement.⁴⁰ The U.S. government works with the UNHCR to identify and evaluate candidates for resettlement. Once refugees approved for resettlement arrive in the United States at a location selected by the U.S. government, they work with a contracting non-governmental organization (“NGO”) that receives federal money to help each newcomer.⁴¹

The second avenue of gaining refugee status in the United States is very different. Under the Refugee Act, the United States provides asylum to people who travel to the United States and successfully petition to remain based on meeting the definition of “refugee.”⁴² A

³⁹ Immigration and Nationality Act, 8 U.S.C. § 1157 (a) (2017).

⁴⁰ See NEZER, *supra* note 8, at 7 (reporting that many refugees have spent years in refugee camps prior to resettlement).

⁴¹ See Donald Kerwin, *The Faltering U.S. Refugee Protection System: Legal and Policy Responses to Refugees, Asylum-Seekers, and Others in Need of Protection*, REFUGEE SURV. Q. 1, 6-8 (describing the U.S. Refugee Admissions Program, including the role of NGOs, or “voluntary resettlement agencies.”).

⁴² Refugee Act of 1980, Pub. L. No. 96-212, § 208 (1980); Immigration and Nationality Act, 8 U.S.C. §1158 (2014). Any immigrant present in the United States, or at a port of entry, may claim they meet the definition of a refugee and seek asylum in order to legally remain in the United States. The two primary ways of seeking asylum are affirmative and defensive. ALEINIKOFF ET AL., *supra* note 36, at 814. A less significant route to asylum is derivative asylum status as the spouse or child of a person granted asylum. In 2014, the United States granted asylum to 4,735 spouses and children. DEP’T OF HOMELAND SEC. (last visited July 8, 2016), https://www.dhs.gov/sites/default/files/publications/Refugees_Asytees_2014.pdf. [<https://perma.cc/8S26-EPEN>]. With an affirmative claim, an immigrant submits a petition to a U.S. Customs and Immigration Service (“USCIS”) asylum officer, under the auspices of the Department of Homeland Security. ALEINIKOFF ET AL., *supra* note 36, at 815. A defensive asylum request occurs within the context of removal proceedings before an immigration judge in the Executive Office for Immigration Review of the Department of Justice. *Id.* at 816. An immigrant without proper authorization to enter the United States may be subjected to an expedited removal process at a U.S. border or other port of entry. *Id.* at 817. If the person claims a fear of returning to their home country, he or she will undergo a “credible fear” interview with a USCIS asylum officer. 8 U.S.C. § 1225 (2012). If the immigrant establishes a significant possibility of asylum, USCIS refers

successful claimant who is granted asylum—an asylee—may remain in the United States, but is not offered the same kind of assistance initially extended to resettled refugees.⁴³

Many scholars and practitioners consider the UNHCR's three durable solutions to be outdated and ineffective.⁴⁴ In particular, these options fail to adequately protect refugees from ongoing threats to their personal safety and provide no remedy for the growing numbers of refugees who are victims of protracted conflicts.⁴⁵ Refugees leave their homes because of threats to their security from state agents or from actors the government is unable or unwilling to control.⁴⁶ As they migrate for protection, their security often continues to be at risk by conflict in surrounding areas, landmines, and

the case to immigration court. ALEINIKOFF ET AL., *supra* note 5, at 817. The process from here is similar to an affirmative claim. The numbers of asylum grants (both affirmative and defensive) has been decreasing. In 2012, 28,115 individuals were granted asylum, decreasing to 25,100 in 2013, and again to 23,533 in 2014. DEP'T OF HOMELAND SEC., ANNUAL FLOW REPORT, REFUGEES AND ASYLEES: 2014 (last visited July 8, 2016), https://www.dhs.gov/sites/default/files/publications/Refugees_Asytees_2014.pdf. [<https://perma.cc/JNW4-GYWE>].

⁴³ Lindsay M. Harris, *From Surviving to Thriving?: An Investigation of Asylee Integration in the United States*, 40 N.Y.U. REV. L. & SOC. CHANGE 29, 45 (2016). Nonetheless, both resettled refugees and asylees are entitled to some federal benefits, such as Social Security, Medicaid, and Temporary Assistance for Needy Families. *Id.* at 44.

⁴⁴ See, e.g., Debra Pressé & Jessie Thomson, *The Resettlement Challenge: Integration of Refugees from Protracted Refugee Situations*, 25 REFUGE: CANADA'S J. ON REFUGEES 94 (2008); Nora Tyeklar, *The U.S. Refugee Resettlement Process: A Path to Self-Sufficiency or Marginalization?*, in REFUGEE RESETTLEMENT IN THE UNITED STATES: LANGUAGE, POLICY, PEDAGOGY 152, 155 (Emily M. Feuerherm & Vaidehi Ramathan, ed., 2016) (suggesting that "oftentimes, such 'durable solutions' are durable not for refugees, but for the status quo that upholds the positions of dominant institutions and ideologies already in place.>").

⁴⁵ The UNHCR reports that two-thirds of all refugees were in "protracted refugee situations" at the end of 2016, defined as "one in which 25,000 or more refugees from the same nationality have been in exile for five consecutive years or more in a given asylum country." U.N. High Comm'r for Refugees, *Global Trends 2016*, *supra* note 5, at 22.

⁴⁶ To meet the legal definition of a refugee under U.S. law, a person must demonstrate persecution or fear of persecution from the government in the country from which the person fled or from actors the government was unwilling or unable to control. See, e.g., *Afriyie v. Holder*, 613 F.3d 924, 931 (9th Cir. 2010); *M.A. A26851062 v. U.S. I.N.S.*, 858 F.2d 210, 218 (4th Cir. 1988).

outlaws who exploit their vulnerability, especially targeting women and children.⁴⁷

Even from the relative safety of a first host country, new security threats can emerge from inhospitable local populations or criminal activity in refugee camps.⁴⁸ Millions of refugees are exiled to these camps or other holding areas for indefinite periods of time, unable to access any of the “solutions.”⁴⁹ Ongoing conflict prevents their return to war-torn homes and inhospitable conditions preclude their settling permanently in the country of first asylum.⁵⁰

The refugees who survive these significant security challenges have themselves been perceived as security threats since the attacks in the United States on September 11, 2001. Governments worldwide have tightened refugee admissions procedures and turned asylum seekers away because of national security concerns.⁵¹ Apprehensions of resettlement states render relocation to a third country elusive for most refugees.

While the prior discussion introduces the legal definition of a refugee, it does not completely address different socio-linguistic meanings of the term “refugee.” Many resettled refugees, or people who become asylees after arrival in the United States, do not want to be defined by a legal status associated with difference and exclusion. A refugee or asylee may wish to be known as a former refugee, an immigrant, a citizen, or by adopting different self-references in different contexts, or eschewing any labels.⁵² While acknowledging

⁴⁷ Volker Türk, *Forced Migration and Security*, 15 INT'L J. OF REFUGEE L. 113, 114, 117 (2003) [hereinafter Türk, *Forced Migration*].

⁴⁸ *Id.*, at 113, 117. See also DeBrenna LaFa Agbéyiga et al., *Expanding Our Community: Independent and Interdependent Factors Impacting Refugees' Successful Community Resettlement*, 13 ADVANCES IN SOC. WORK 306 (2012) (reporting on refugee camp conditions, including torture, starvation, rape, assault, and harassment).

⁴⁹ Pressé & Thomson, *supra* note 44, at 94 (“More and more refugees find themselves “warehoused” in refugee camps for years, without access to a durable solution.”).

⁵⁰ See, e.g., *Migration: Looking for a Home*, THE ECONOMIST, May 28, 2016 (explaining that many Syrian refugees in Germany fled not from Syria directly but from Lebanon where they were attempting to wait out the conflict).

⁵¹ Türk, *Forced Migration*, *supra* note 47, at 115.

⁵² Emily M. Feuerherm & Vaidehi Ramanathan, *Introduction to Refugee Resettlement in the United States: Language, Policies, Pedagogies*, in REFUGEE RESETTLEMENT IN THE UNITED STATES, LANGUAGE POLICE, PEDAGOGY 1, 2 (Emily M. Feuerherm &

this spectrum of preferences, this article uses the term refugee in its legal sense, which means any person who lawfully resides in the United States because of having met the 1980 Refugee Act and Refugee Convention's definition of a refugee.

3. REFUGEE RESETTLEMENT THEORY, POLICY, AND PRACTICE

Large-scale forced migration across the globe has brought attention to various theories and practices of refugee relocation that have evolved over time. These approaches run the gamut from assimilation to multiculturalism, with integration located somewhere between these poles. Many resettlement states—such as Canada—have adopted integration as a policy for resetting refugees. This section briefly outlines Canada's integration measures because policy analysts have touted them as a model of success. By contrast, the United States has not adopted an integration policy. Instead, the U.S. resettlement program champions rapid economic self-sufficiency, reflecting a neoliberal economic philosophy that undermines long-term integration. This Section asserts that introducing resettled refugees to their legal rights and responsibilities through a community-based workshop supports integration, and also advances the more limited goal of speedy economic independence.

3.1. *Theory and Policy*

During the early part of the 20th century, many western democracies sought to assimilate immigrants.⁵³ Host societies expected

Vaidehi Ramanathan, eds., 2016) (suggesting that some refugees may avoid the label to distance themselves from any perceived negative connotations, while others actively use it to access rights or resources).

⁵³ See, e.g., Nicole Ives, *More Than a "Good Back": Looking for Integration in Refugee Resettlement*, 24 *REFUGEE: CANADA'S J. ON REFUGEES* 54, 55 (2007) ("[t]raditional adaptation research is based on the assumption that increased participation in the host culture requires detachment from the culture of origin") (citing MILTON M. GORDON, *ASSIMILATION IN AMERICAN LIFE* (1964) and H.B.M. Murphy, *The Assimilation of Refugee Immigrants in Australia*, 5 *POPULATION STUD.* 179 (1952)).

newcomers to assimilate into the mainstream and become indistinguishable from it.⁵⁴ Assimilationism eventually gave way in the 1960s to a multicultural approach, or ethnic pluralism.⁵⁵ Different groups of immigrants were expected to co-exist with host societies, but were encouraged to maintain their independent cultural and religious identities.⁵⁶

Multiculturalism lost favor after terrorist incidents occurred in Western democracies, notably the September 11, 2001 attacks in the United States and the July 7, 2005 London bombings. Critics blamed multiculturalism for fostering ethnic enclaves and cultural separatism.⁵⁷ Some suggested that multiculturalism facilitated terrorism.⁵⁸ Beginning in the early 2000s, Western democracies generally have adopted policies to integrate refugees. Integrating newcomers into a host society reflects the view that a middle road between assimilation and multiculturalism will best foster social cohesion and safety.⁵⁹

⁵⁴ See Ager & Strang, *supra* note 11, at 174–75; Marko Valenta & Nihad Bunar, *State Assisted Integration: Refugee Integration Policies in Scandinavian Welfare States: the Swedish and Norwegian Experience*, 23 J. OF REFUGEE STUD. 463, 468 (2010); see also DAN PFEFFER, GROUP INTEGRATION AND MULTICULTURALISM: THEORY, POLICY, AND PRACTICE 47 (2015) (discussing the Chicago School of sociologists and defining assimilation as “a process of interpenetration and fusion in which persons and groups acquire the memories, sentiments, and attitudes of other persons and groups and, by sharing their experience and history, are incorporated with them in a common cultural life”) (quoting ROBERT EZRA PARK & ERNEST WATSON BURGESS, INTRODUCTION TO THE SCIENCE OF SOCIOLOGY 735 (1969)).

⁵⁵ See, e.g., Ager & Strang, *supra* note 11, at 174; IRENE BLOEMRAAD, BECOMING A CITIZEN: INCORPORATING IMMIGRANTS AND REFUGEES IN THE UNITED STATES AND CANADA 109 (2006) (describing the shift in the United States away from assimilation towards diversity, concurrent with the civil rights movement in the 1960s).

⁵⁶ Ager & Strang, *supra* note 11, at 174–75.

⁵⁷ Melinda McPherson, *‘I Integrate, Therefore I Am’: Contesting the Normalizing Discourse of Integrationism through Conversations with Refugee Women*, 23 J. OF REFUGEE STUD. 546, 550 (2010). But see Peter Kivisto, *Introduction: The Puzzle of Incorporation and Solidarity in*, THE SOCIOLOGICAL Q. 581, 581 (2015) (arguing that multiculturalism is misunderstood and that it is about incorporation rather than separateness).

⁵⁸ Jenny Phillimore, *Implementing Integration in the UK: Lessons for Integration Theory, Policy and Practice*, 40 POL’Y & POLITICS 525, 528 [hereinafter Phillimore, *Implementing Integration*] (explaining that the backlash in the United Kingdom against multiculturalism began in 2006 from growing beliefs that multiculturalism promoted separateness and terrorism and worked against shared common values) (quoting S. VERTOVEC & S. WESSENDORF, THE MULTICULTURALISM BACKLASH 1 (2010)).

⁵⁹ McPherson, *supra* note 57, at 547 (describing integration as a “middle road” between the “extremes of assimilationism and multiculturalism,” but suggesting that integrationism remains focused on conformance).

3.1.1. Refugee Integration

While social scientists have studied immigrant incorporation in general, scholarship from U.S. analysts on refugee integration as a policy or normative concept is largely lacking.⁶⁰ Much of the normative work on refugee integration stems from scholars outside of the United States.⁶¹ U.S. social work professors and health care scholars have surveyed refugees for indicators of successful resettlement or cultural adaptation, often concentrating on specific nationalities or ethnic groups.⁶² Legal scholarship tends to center on critiques of the mechanics and funding for the U.S. Resettlement Assistance Program (“USRAP”).⁶³

⁶⁰ See, e.g., RICHARD ALBA & NANCY FONER, *STRANGERS NO MORE: IMMIGRATION AND THE CHALLENGES OF INTEGRATION IN NORTH AMERICA AND WESTERN EUROPE* (2015), and Aleinikoff & Rumbaut, *supra* note 2 (analyzing immigrant integration in general); see also FIX, et al., *supra* note 2 (reporting to measure refugee integration through limited data on employment rates and other economic indicators); DAVID SYSEGAARD KALLICK & SILVA MATHEMA, CENTER FOR AMERICAN PROGRESS, *REFUGEE INTEGRATION IN THE UNITED STATES*, June 2016 (providing data related to Bosnian, Burmese, Hmong, and Somali immigrants – not specifically refugees – identifying a “high degree of correspondence between people in these groups and refugees.”) *Id.* at 43.

⁶¹ See, e.g., McPherson, *supra* note 57; Jenny Phillimore & Lisa Goodson, *Making a Place in the Global City: The Relevance of Indicators on Integration*, 21 J. OF REFUGEE STUD. 305 (2004); Kathleen Valtonen, *From the Margin to the Mainstream: Conceptualizing Refugee Settlement Processes*, 17 J. OF REFUGEE STUD. 70, 76 (2004) (reporting on a study of refugees and asylees in Finland).

⁶² See, e.g., Fern R. Hauck, et al., *Factors Influencing the Acculturation of Burmese, Bhutanese, and Iraqi Refugees into American Society: Cross-Cultural Comparisons*, 12 J. OF IMMIGRANT & REFUGEE STUD. 331 (2014); Ives, *supra* note 53, at 54; Isok Kim, *Beyond Trauma: Post-resettlement Factors and Mental Health Outcomes Among Latino and Asian Refugees in the United States*, J. OF IMMIGR. & MINORITY HEALTH, 1–9 (2015); UNIVERSITY OF TEXAS AT AUSTIN INSTITUTE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT & NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY, *THE CONTINUITY OF RISK: A THREE-CITY STUDY OF CONGOLESE WOMEN-AT-RISK RESETTLED IN THE U.S.* 23 (Sept. 2014) <http://sites.utexas.edu/idvsa/the-continuity-of-risk-a-three-city-study-of-congolese-women-at-risk-resettled-in-the-u-s/> [<https://perma.cc/V7RZ-CM3N>] [hereinafter CONTINUITY OF RISK] (highlighting the U.S. resettlement experiences of refugees from specific countries).

⁶³ See, e.g., Ives, *supra* note 53; Stephen Meili, *US Refugee Resettlement Policy and International Human Rights Treaty Obligations: A Mixed Record*, 2 INT. J. MIGRATION & BORDER STUD. 1, 13 (2016) (finding that the availability of health and social welfare programs to refugees in the United States is laudable “at least as written” but that

There is no universally accepted definition of—or model for—refugee integration.⁶⁴ Many scholars view integration as an interactive and multidimensional process involving roles for a host community and its institutions, as well as for the refugees themselves.⁶⁵

The UNHCR also considers integration to be a multidimensional process, suggesting that: “Integration in the refugee context is the end product of a multifaceted and on-going process, of which self-reliance is but one part. From the host society, it requires communities that are welcoming and responsive to refugees and for public institutions to meet the needs of a diverse population. Integration also requires a preparedness on the part of the refugees to adapt to the host society, without having to forego their own cultural identity.”⁶⁶

programs are significantly impaired by their short, eight-month duration and income eligibility requirements, as well as the language barriers and other cultural impediments that have resulted in many refugees failing to receive program services.); GEORGETOWN UNIVERSITY LAW CENTER, HUMAN RIGHTS INSTITUTE, REFUGEE CRISIS IN AMERICA: IRAQIS AND THEIR RESETTLEMENT EXPERIENCE, 2009, http://scholarship.law.georgetown.edu/hir_papers/4 [https://perma.cc/2A2P-GGBS]; COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL & PUBLIC AFFAIRS, REFUGEE RESETTLEMENT IN THE UNITED STATES: AN EXAMINATION OF CHALLENGES AND PROPOSED SOLUTIONS (May 2010), https://sipa.columbia.edu/sites/default/files/IRCFINALREPORT_0.pdf.

⁶⁴ Ager & Strang *supra* note 11, at 167 (quoting CASTLES, ET AL., INTEGRATION: MAPPING THE FIELD (2001)).

⁶⁵ Phillimore & Goodson, *supra* note 61, at 308–09. Alison Strang & Alastair Ager, *Refugee Integration: Emerging Trends and Remaining Agendas*, 23 J. OF REFUGEE STUD. 589, 600 (2010) [hereinafter Strang & Ager, *Emerging Trends*]. *But see* Phillimore, *Implementing Integration*, *supra* note 58, at 529 (explaining that while academics tend to view integration as a two-way process, governmental integration policy in the United Kingdom “operates as if integration is one way,” and appears to take an assimilationist approach).

⁶⁶ U.N. High Comm’r for Refugees, *Integration – A Fundamental Component in Supporting Diverse Societies*, 1 (Jan. 2016), <http://www.unhcr.org/56a9decf5.pdf> [hereinafter U.N. High Comm’r for Refugees, *Integration – A Fundamental Component*]. While the UNHCR has defined integration, it has not prescribed specific policies for an integration program. Rather, it maintains that “there is no single, set prescription for the establishment and delivery of an integration programme.” U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*, *supra* note 7 at 8. Nonetheless, the UNHCR has identified three “inter-related and quite specific dimensions” of integration: 1) a legal process, under which resettlement states grant refugees progressively broader rights and entitlements generally commensurate with those enjoyed by citizens; 2) an economic process, through which refugees become progressively less reliant on state aid; and 3) a social and cultural process that

Another source succinctly concludes that integration is “the ability to participate fully in economic, social, cultural and political activities, without having to relinquish one’s own distinct ethnocultural identity and culture. It is at the same time a process by which settling persons become part of the social, institutional, and cultural fabric of society.”⁶⁷

3.1.2. *Refugee Integration Model*

Perhaps related to the difficulties of precisely defining integration, there are few theoretical models for refugee integration. In an influential work published in 2008, British scholars Alastair Ager and Alison Strang presented what they term a “mid-level theory” that conceptualizes the key elements of refugee integration.⁶⁸ In identifying a hierarchy of ten interdependent domains of integration, Ager and Strang relied on existing literature of refugee integration, as well as fieldwork in refugee resettlement and other data.⁶⁹ Exploring this framework in more detail provides a baseline for assessing the present refugee resettlement priorities in the United States, leading to the conclusion that the U.S. resettlement program does not aspire to integration. It also sets the stage for this article’s argument that community-based education for refugees on legal rights and responsibilities contributes to successful refugee integration.

Ager and Strang’s framework identifies the following ten domains of integration, classifying them into different tiers according to the functions they serve. These domains include: 1) employment,

enables refugees to live within a host community without discrimination or exploitation and to actively contribute to the social life of their new country. U.N. High Comm’r for Refugees, *Integration – A Fundamental Component*, *supra* note 66, at 1.

⁶⁷ Valtonen, *supra* note 61, at 74 (citing Raymond Breton, *Report of the Academic Advisory Panel on the Social and Cultural Impacts of Immigration*, CANADA: RESEARCH DIVISION, STRATEGIC PLANNING AND RESEARCH, IMMIGRATION POLICY GROUP, EMPLOYMENT AND IMMIGRATION (1992)).

⁶⁸ Ager & Strang, *supra* note 11.

⁶⁹ *Id.* at 167–69.

2) housing, 3) education, and 4) health;⁷⁰ 5) social bridges,⁷¹ 6) social bonds,⁷² and 7) social links;⁷³ 8) language and cultural knowledge, and 9) safety and stability;⁷⁴ and 10) citizenship and rights. This final element of citizenship and rights is the foundation of the integration framework.

Public policy tends to focus on the first four domains: employment, housing, education, and health.⁷⁵ While these domains reflect important aspects of integration into a new society, reliance on them alone to define and measure integration is incomplete. For example, an assessment of employment data depends on who has the legal right to work, and what legal safety nets might exist for those unable to work. This concern led Ager and Strang to inquire about the “standards and expectations” of a society to help facilitate a meaningful evaluation of integration within that society.⁷⁶ Addressing that question led to the identification of citizenship and rights as the foundation on which Ager and Strang’s integration model rests.

Ager and Strang leave the parameters of citizenship and rights porous, indicating that the terms are informed by each state’s notions of nationhood and identity. Yet their discussion of this domain suggests a significance broader than legal citizenship and its associated rights.⁷⁷ At its heart, this domain suggests the values and practices, including rights and responsibilities, that define membership

⁷⁰ *Id.* at 169 (identifying four domains—employment, housing, education, and health— as the “markers and means” domains, considered both as indicators of successful integration as well as paths to achieve integration).

⁷¹ *Id.* at 179 (defining social bridges as the relationship between refugees and host communities).

⁷² Social bonds are the connections that link members of a group, such as family or “like-ethnic groups.” *See id.* at 178 (noting the positive impact of maintaining connections with family and “like-ethnic groups” on integration).

⁷³ Social links reflect “connections between individuals and structures of the state, such as government services.” *Id.* at 181. These three domains—social bridges, social bonds, and social links—form the “social connections” tier that drives the process of integration at a local level. *See id.* at 177.

⁷⁴ These two domains comprise the “facilitators” tier that helps to remove barriers to integration. *See id.* at 181.

⁷⁵ Joanne Van Selm, *Refugee Resettlement*, in THE OXFORD HANDBOOK OF REFUGEE AND FORCED MIGRATION STUDIES 512, 521 (Elena Fiddian-Qasmiyeh, et al., eds., 2014) (noting that European countries focus programs on housing, education and healthcare, while the United States emphasizes employment).

⁷⁶ Ager & Strang, *supra* note 11, at 173.

⁷⁷ Audrey Macklin, *Who is the Citizen’s Other? Considering the Heft of Citizenship*, 8 THEORETICAL INQUIRIES IN L. 333, 334 (2007) (defining legal citizenship as “formal

in a polity.⁷⁸ Integration within the polity requires an articulation of the norms and expectations associated with membership. In other words, becoming integrated reflects the idea that both existing members of the polity and newcomers understand what it means to belong and to participate in the civic, political, social, and economic life of society.⁷⁹

The community law and justice workshops discussed in Section 4 help to familiarize refugees with the rights and responsibilities of incorporation in society. As such, the workshops contribute to this foundation of integration. The workshops also strengthen the social connections domains (social bridges, bonds, and links). Social bridges are constructed through interaction between refugee participants and dozens of volunteer lawyers, judges, and law students from the community. Social bonds are fashioned because refugees work with others from within their ethnic groups and with those sharing the same language but who hail from different communities. Social links are created by fostering interaction between refugees and state actors, notably judges, police, as well as public prosecutors and defenders.

The intentions and aspirations of refugees contribute substantially to the process of integration.⁸⁰ Importantly, refugees have identified understanding their rights and duties in their new society as a resettlement goal.⁸¹ The author of one study found that refugees were:

status of membership in a state, or nationality as it is understood in international law", and characterized by associated rights that commonly include the "right to enter and remain in the territory, access to consular assistance and diplomatic protection, and the franchise.").

⁷⁸ For example, this foundational domain is central to a version of the United Kingdom's policy describing integration "as the process that takes place when refugees are empowered to achieve their full potential as members of British society to contribute to the community, and become fully able to exercise the rights and responsibilities that they share with other residents." Ager & Strang, *supra* note 11, at 175 (quoting HOME OFFICE, INTEGRATION MATTERS: A NATIONAL STRATEGY FOR REFUGEE INTEGRATION, 2005).

⁷⁹ MOTOMURA, *supra* note 2, at 13. Citizenship in this sense reflects "social citizenship," rather than the more restrictive legal citizenship; the "package of rights, responsibilities, entitlements, duties, practices and attachments that define membership in a polity." Macklin, *supra* note 77, at 334.

⁸⁰ See Strang & Ager, *Emerging Trends*, *supra* note 65, at 595.

⁸¹ Valtonen, *supra* note 61, at 76 (reporting on a study of refugees and asylees in Finland).

acutely aware of their lack of information and understanding of the structure and organization of the formal institutions of society, and of their position in relation to these. Such information is critical for grasping the parameters of their membership in the society, and for gauging the scope of opportunity for exercising 'substantive' citizenship.⁸²

Resettled refugees are not the only group in our society on the outskirts of the polity, working towards substantive membership. A growing number of impoverished families and individuals are excluded from meaningful participation in and protection by the state.⁸³ An assault on benefit programs has eliminated safety nets for millions of poor people, and legislative enactments and associated judicial interpretations of them have precluded substantive legal protection for economic rights.⁸⁴

Marginalized poor people in the United States could likely benefit from a two-way integration process that incorporates many of the domains identified by Ager and Strang. A full exploration of applying an integration model to incorporate poor people more securely within the polity is beyond the scope of this article. Nonetheless, it is worth noting that there is no international or domestic requirement to integrate poor people akin to the UNHCR's integration mandate for refugees. Consequently, even if an integration model proved to empower impoverished Americans, programs would likely be left to local community efforts, resembling this article's proposal for community-based integration measures.

At least one scholar has criticized integration policies for refugees, suggesting that "integrationism" is "concerned with the adaptation by outsiders to local norms," or facilitating conformity.⁸⁵ Comments by refugees in Europe similarly reflect the concern that integration really means complete assimilation. As one lamented,

⁸² *Id.* at 77.

⁸³ See Nice, *supra* note 10, at 49–50 (asserting that the state has abandoned most impoverished families pursuant to the "war on welfare" led by U.S. policy makers).

⁸⁴ See *id.* at 50, 57, 63–64.

⁸⁵ McPherson, *supra* note 57, at 547, 551. Some criticism may be in response to governmental policies that use the language of integration, but reflect an assimilationist approach by expecting refugees to adapt with no similar expectations on the host society. See Phillimore, *Implementing Integration*, *supra* note 58, at 528–29 (describing the UK's "integration" policy as adopting a one-way assimilative stance).

“[e]ven if we make every effort and try to be ‘integrated,’ we are constantly reminded that to be properly and completely integrated, we must give up our principles and our religion.”⁸⁶

A related concern is the potential impact, if any, of a national integration policy. Some analysts suggest that national models or cultural norms of integration matter little outside of formalistic rules of gaining citizenship, at least when considering the broader population of all immigrants.⁸⁷ Moreover, an articulation of a national integration policy cannot alter historically-rooted institutions and dynamics that affect integration, such as patterns of racism, residential segregation, and educational inequality.⁸⁸ Others, however, maintain that the formal and social context of integration matters. Governmental policies regarding immigration powerfully influence understandings of citizenship and inclusion in the polity.⁸⁹

Regardless of the contested nature of integration, UNHCR resettlement states “have an obligation to facilitate the integration of refugees in their countries.”⁹⁰ The UNHCR indicates that resettlement is not a “durable solution” unless it “offers refugees the support and opportunities to facilitate their integration into their new community.”⁹¹

⁸⁶ Lillie Dreameaux, *The Way People Look at Us Has Changed’: Muslim Women on Life in Europe*, N.Y. TIMES, Sept. 4, 2016, at A6. *But see* Pfeffer *supra* note 54, at 49 (explaining the differences between integration and assimilation).

⁸⁷ ALBA & FONER, *supra* note 60, at 229–31 (“How much national philosophies, cultures, or models of integration matter for the actual integration of immigrants and minorities is debatable.”).

⁸⁸ *Id.* (alluding to the stratified structure of the educational system in Germany, and the “second-generation disadvantage” present in the American educational system, as examples of institutional obstacles to integration).

⁸⁹ *See* BLOEMRAAD, *supra* note 55, at 4 (maintaining that immigration policies influence immigrants’ understandings of citizenship); MOTOMURA, *supra* note 2, at 188 (commenting that “the role of race and ethnicity in U.S. immigration and citizenship law” results in many immigrants and their U.S. born descendants feeling unwelcome and “less than fully American”); Aleinikoff & Rumbaut, *supra* note 2, at 2 (hypothesizing that “the way people are invited or welcomed to become members of the society influences their joining behavior . . .”).

⁹⁰ U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*, *supra* note 7, at 6. Ruud Lubbers, the U.N. High Commissioner for Refugees at the time, stated that the “UNHCR’s Agenda for Protection calls upon states to put in place policies to ensure that resettlement runs in tandem with a vigorous integration policy.” *Id.*

⁹¹ U.N. High Comm’r for Refugees, *Resettlement Handbook*, *supra* note 27, at 7.

3.1.3. *Integration in Canada*

Many of the governments of UNHCR resettlement states have adopted specific or overarching policies of refugee integration.⁹² Canada is among them. A primary goal of Canada's 2001 Immigration and Refugee Protection Act is to promote the successful integration of refugees and other immigrants.⁹³ In addition, Canada's federal immigration and citizenship agency established a 2016-17 goal that "newcomers and citizens participate in fostering an integrated society."⁹⁴

⁹² See, e.g., SARAH SPENCER, THE MIGRATION OBSERVATORY, POLICY PRIMER: INTEGRATION, 2 (2011) (highlighting the United Kingdom's adoption of a "Refugee Integration Strategy" in 2000).

⁹³ Immigration and Refugee Protection Act, S.C. 2001, c. 27 § 3(1)(e) (Can.) (stating the objective "to promote the successful integration of permanent residents into Canada, while recognizing that integration involves mutual obligations for new immigrants and Canadian society.").

⁹⁴ IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA, REPORT ON PLANS AND PRIORITIES 2016 -17. The European Union has also adopted integration standards for all immigrants. See Council of the European Union, Justice and Home Affairs Press Release 14615/04 (Nov. 19, 2004), reaffirmed by Council of the European Union, Justice and Home Affairs, Council Conclusions of the Council and the Representatives of the Member State on the Integration of Third-Country Nationals Legally Residing in the EU (June 5-6, 2014). German Chancellor Angela Merkel's Cabinet approved measures in May 2016 to help migrants become "good neighbors and citizens." Measures included "an understanding of and compliance with the principles of living together in our society and compliance with our laws are essential for successful integration." David Rising & Frank Jordans, *German Officials OK Plan for Migrant Influx*, SPOKESMAN-REVIEW, May 26, 2016, at A4.

While direct comparisons are fraught with difficulty because of different national histories, norms, and conditions, Canada's experience with integration is notable.⁹⁵ Many view Canada as a successful model of migrant integration.⁹⁶ Since 1971, Canada has intentionally crafted an identity as a pluralistic, multi-cultural society.⁹⁷

Canada's official policy of multiculturalism reflects the ethos of integration. It seeks to create a climate of mutual respect for different cultures nested within a cohesive Canadian identity.⁹⁸ Integration of refugees and other immigrants is one of the initiatives in the

⁹⁵ Some authors suggest that comparison of immigration policies and outcomes between the United States and Canada is appropriate. Both are considered nations of immigrants. ALBA & FONER, *supra* note 60, at 223; BLOEMRAAD, *supra* note 55, at 8. Both are liberal welfare states. *Id.* Both share similar approaches to naturalization. *Id.* at 18-19. And, both adopted exclusionary immigration policies in the late nineteenth and early twentieth centuries. *Id.* at 8. Yet some suggest that Canada's selective immigration policies favoring skilled workers render comparison less relevant. ALBA & FONER, *supra* note 60, at 233. Others disagree, maintaining that the impact of Canada's system of evaluating a potential immigrant's job skills, language ability and other characteristics is exaggerated. BLOEMRAAD, *supra* note 55, at 41.

⁹⁶ See ALBA & FONER, *supra* note 60, at 3 and 224 (noting that Canada is often touted as a model of successful integration, but also that no country is completely successful in every domain of integration).

⁹⁷ See JONATHAN TEPPERMAN, *THE FIX: HOW NATIONS SURVIVE AND THRIVE IN A WORLD IN DECLINE* 54-55 (2016) (describing the context of Prime Minister Pierre Trudeau's speech before parliament in which he announced Canada's multiculturalism, and later created a new Ministry of Multiculturalism). The Canadian Charter of Rights and Freedoms, enacted in 1982, provides that the Charter "shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians." Constitution Act, 1982, Pt. I, s. 27 *being* Schedule B to the Canada Act, 1982, c 11 (U.K.), *reprinted in* R.S.C. 1985, app II, no 44 (Can.).

⁹⁸ See John W. Berry & Feng Hou, *Immigrant Acculturation and Wellbeing in Canada*, 57 CAN. PSYCHOL. 254 (2016) (indicating that a goal of Canada's multiculturalism is to accept that "individuals can be proud of and feel attached to both their heritage cultures and to Canada."); see also MICHAEL DEWING, LIBRARY OF PARLIAMENT, PUBL'N NO. 2009-20-E, CANADIAN MULTICULTURALISM (2013), <https://bdp.parl.ca/Content/LOP/ResearchPublications/2009-20-e.pdf> [<https://perma.cc/75GY-TBVB>] (detailing Canada's institutionalization of multiculturalism as official federal policy).

multiculturalism framework.⁹⁹ This process, consistent with definitions of integration set forth earlier, “is a two-way street; an accommodation between newcomers and Canadians.”¹⁰⁰

Rather than accentuating national security concerns, Canadians view refugee and immigration policy as one of state building. As Canada’s former Minister of Citizenship and Immigration stated, “Why keep [migrants] as permanent tenants, when they could be encouraged to become landlords of their adopted country?”¹⁰¹ Policy makers view integration as a way to prevent ethnic groups from becoming marginalized and a potentially destabilizing element in society.¹⁰²

Federal and provincial governments support resident newcomers broadly, not just refugees.¹⁰³ This support includes orientation services about life in Canada (both overseas, for refugees and other immigrants en route to Canada, and within Canada);¹⁰⁴ language

⁹⁹ See Marchi, *supra* note 6, at 24 (“In Canada, as a matter of public policy, the federal government makes a focused and deliberate effort towards the integration of newcomers”); see also Phillimore, *Implementing Integration*, *supra* note 58, at 526 (stating that integration is the only means of acculturation that requires both host and migrant adaptation).

¹⁰⁰ Marchi, *supra* note 6, at 24.

¹⁰¹ *Id.* at 23. Marchi was not speaking solely of refugee integration, but of integrating all migrants.

¹⁰² See *id.* (noting that marginalization of immigrants undermines their contributions and can eventually lead to social inequalities with potentially destabilizing effects).

¹⁰³ Soojin Yu et al., *Refugee Integration in Canada: A Survey of Empirical Evidence and Existing Services*, 24 REFUGEE: CANADA’S J. ON REFUGEES 17, 23-25 (2007) (describing employment workshops, language training, and social support services that are available to refugees and other immigrants but exclude applicants for asylum in some areas).

¹⁰⁴ The Canadian Orientation Abroad (“COA”) program is funded by Canada’s federal Immigration, Refugees and Citizenship Canada and implemented by the International Organization for Migration (“IOM”). COA claims that its three-day pre-arrival orientation program for resettled refugees “is the largest pre-arrival orientation program presented by IOM, closely followed by the United States Cultural Orientation program.” *About COA, CANADIAN ORIENTATION ABROAD*, <http://www.coa-oce.ca/our-work/about-coa/> [https://perma.cc/Q5PZ-Q73J] (last visited Feb. 11, 2017). One of the program’s objectives is to “[p]rovide information regarding rights and freedoms, responsibilities, and obligations as Permanent Residents.” *Canadian Orientation Abroad*, GOV’T OF CAN., <http://www.cic.gc.ca/english/department/partner/bpss/COA.asp> [https://perma.cc/9HWC-EKWR] (last modified Apr. 25, 2016). While COA does not define “largest,” it operates training for refugees from seventeen permanent

training in English and French; employment services; and community connections programs that help immigrants access services and build networks with Canadians and established immigrants.¹⁰⁵ Government-sponsored refugees receive up to one year of income support for shelter, food, and incidentals.¹⁰⁶ Canada also allows private groups and community organizations to sponsor refugees through a program created in 1979.¹⁰⁷ Privately-sponsored refugees are entitled generally to one year of support from their sponsors.¹⁰⁸

A large majority of foreign-born residents have acquired Canadian citizenship, unlike in the United States.¹⁰⁹ While the data may

locations and serves over thirty countries with mobile trainers. The more decentralized U.S. cultural orientation program is offered only in nine Resettlement Support Centers globally and is staffed mostly by different nongovernmental organizations. *Who We Serve*, CULTURAL ORIENTATION RESOURCE EXCHANGE, <http://coresourceexchange.org/about/who-we-serve/> [<https://perma.cc/DKV4-CEXP>] (last visited Feb. 11, 2017).

¹⁰⁵ See *How Canada's Refugee System Works*, GOV'T OF CAN., <http://www.cic.gc.ca/english/refugees/canada.asp> [<https://perma.cc/3ERT-7X5L>] (last modified Apr. 3, 2017) (addressing support for "all newcomers"); see also Yu, et al., *supra* note 103, at 25 (describing federal and provincial support to connect refugees with members of their host communities).

¹⁰⁶ *How Canada's Refugee System Works*, GOV'T OF CAN., *supra* note 105. Canada utilizes two processes for admitting refugees from overseas. Government-assisted refugees are referred by UNHCR and receive support from federal programs. Privately-sponsored refugees are supported by private, voluntary groups. Yu et al., *supra* note 103, at 18.

¹⁰⁷ Canadian visa authorities determine the eligibility of refugees to enter the country through this program, often in conjunction with UNHCR. *Guide to the Private Sponsorship of Refugees Program*, GOV'T OF CAN. 2.6, <http://www.cic.gc.ca/english/resources/publications/ref-sponsor/section-2.asp> [<https://perma.cc/LRQ5-PC6P>] (last modified May 17, 2017); see also Johanna Reynolds & Jennifer Hyndman, *A Turn in Canadian Refugee Policy and Practice*, 16 WHITEHEAD J. DIPL. & INT'L REL. 41, 44 (2015) (detailing recent changes and conditions of the Private Sponsorship Program). For an anecdotal review of Canada's program of privately sponsoring refugees, see Jodi Kantor & Catrin Einhorn, *Refugees Encounter a Foreign Word: Welcome*, N.Y. TIMES (June 30, 2016), <https://www.nytimes.com/2016/07/01/world/america/canada-syrian-refugees.html> [<https://perma.cc/XF3J-RFRY>].

¹⁰⁸ *Guide to the Private Sponsorship of Refugees Program*, GOV'T OF CAN., *supra* note 107.

¹⁰⁹ See BLOEMRAAD, *supra* note 55, at 2–3 (reporting on a 2001 census that indicated that seventy-two percent of foreign-born residents had acquired Canadian citizenship, almost double the proportion in the United States, and noting that the proportion of foreign-born residents acquiring Canadian citizenship has increased since the Canadian government began to pursue multiculturalism in the 1970's). Over twenty percent of Canada's residents are foreign-born. *Id.* at 49.

not be entirely comparable, it appears that refugees, specifically, naturalize at a higher rate in Canada compared to the rate of refugee naturalization in the United States.¹¹⁰

Moreover, two thirds of Canadians view immigration as one of Canada's "key positive features."¹¹¹ In a comparison of Canadian and U.S. immigrant integration, one author concludes that Canada's high levels of political incorporation of immigrants is due to the welcoming reception that host communities extend to newcomers, shaped by the government's multicultural policies and integration measures¹¹² Empirical research indicates that immigrant integration—in which newcomers retain a strong sense of belonging to their heritage culture and to Canada—results in a greater level of immigrant wellbeing.¹¹³

Refugees in Canada still struggle with the difficult process of integration.¹¹⁴ But many policy makers, citizens, and refugees suggest

¹¹⁰ Compare GARNETT PICOT & FENG HOU, STAT. CAN., 11F0019M No. 338, DIVERGENT TRENDS IN CITIZENSHIP RATES AMONG IMMIGRANTS IN CANADA AND THE UNITED STATES (2011), <http://www.statcan.gc.ca/pub/11f0019m/11f0019m2011338-eng.pdf> [<https://perma.cc/MG3N-88DG>] (highlighting that eighty-five percent of refugees entering Canada in the early 1990s became citizens within six to ten years, though it is not clear whether this figure includes only refugees resettled from outside of Canada, or also those who entered Canada and successfully claimed asylum) with U.S. CITIZENSHIP AND IMMIGR. SERV.'S, TRENDS IN NATURALIZATION RATES: FY 2014 UPDATE (2016), <https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports/Trends-in-Naturalization-Rates-FY14-Update.pdf> [<https://perma.cc/SB8Z-FBHC>] (indicating that in the United States, 70.6 per cent of refugees admitted in 1994 and asylees who gained lawful permanent residency status that year became citizens by 2004); see also U.N. High Comm'r for Refugees, *Global Trends: Forced Displacement in 2015*, at 27 (2015), <http://www.unhcr.org/en-us/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html> [<https://perma.cc/LLJ5-R4QW>] (reporting that, while data may be incomplete, Canada reported the largest number of naturalized refugees in the world in 2015, with about 25,900, or eighty-one percent, of all naturalized refugees worldwide).

¹¹¹ TEPPERMAN, *supra* note 97, at 49. A 2006 national poll of Canadians revealed that multiculturalism policies were more important to Canadian identity than hockey. *Id.* at 63.

¹¹² See BLOEMRAAD, *supra* note 55, at 102-03, 31-64 (addressing and discounting other variables, including immigrants' attributes, country of origin, and relative size of immigrant streams, among others).

¹¹³ Berry & Hou, *supra* note 98, at 260.

¹¹⁴ See, e.g., Nimo Bokore, *Documenting Refugee Stories: Resettlement and Integration Challenges of East African Refugees*, 3 INT'L J. OF SOC. WORK 76, 82 (addressing difficulties faced by resettled refugees in Canada, including ethnic, religious, and racial discrimination); Yu et al., *supra* note 103, at 24 (reporting that the amount of

that material and symbolic government support for integration has helped to construct a pluralistic, productive, and secure polity.¹¹⁵ This, however, is not the path chosen by the U.S. government.

3.2. *USRAP Policy, Practice, and Flaws*

As a signatory of the U.N. Refugee Convention, the United States is obligated to cooperate with the UNHCR. The UNHCR requires states receiving resettled refugees to provide the support and opportunities necessary for refugees to integrate into their new communities.¹¹⁶ Nonetheless, the U.S. refugee resettlement program falls substantially short of facilitating long-term integration.

U.S. policy is not definitively set forth in any single statement or document.¹¹⁷ The lack of clarity is likely related to the fact that different parts of the U.S. refugee admissions and resettlement program are managed by different federal departments. The Department of Homeland Security (“DHS”) oversees the process of vetting applicants within the United States for asylum, and those outside of U.S. borders seeking entry as refugees.¹¹⁸ The Department of State

cash assistance provided to government assisted refugees during their first year does not always cover all expenses); Kantor & Einhorn, *supra* note 107 (identifying the cultural difficulties that resettled refugees face in Canada).

¹¹⁵ See BLOEMRAAD, *supra* note 55, at 9–10 (arguing that Canada’s policies lead to “a greater sense of political citizenship” on the part of immigrants); see also TEPPERMAN, *supra* note 97, at 61, 67 (describing the transformation of Canada from a “small, closed, ethnically homogenous state into a vibrant global powerhouse and one of the most open and successful multicultural nations in the world.”).

¹¹⁶ U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*, *supra* note 7, at 6.

¹¹⁷ NEZER, *supra* note 8, at 14 (“The U.S. is the only major resettlement country in the world that does not have federal integration benchmarks.”).

¹¹⁸ Screening oversees refugees referred for resettlement also involves the State Department. The State Department contracts with “overseas processing entities” to collect biographic information. Kerwin, *supra* note 41, at 6. The U.S. Customs and Immigration Service, a subdivision within the DHS reviews this information, “coordinates background checks . . . , interviews applicants, and determines eligibility and admissibility.” *Id.* In addition, DHS works with the State Department to screen refugee applicants outside of the United States. *U.S. Refugee Admissions Program*, U.S. DEP’T OF STATE, <https://www.state.gov/j/prm/ra/admissions/index.htm> [<https://perma.cc/6UJ3-6L2W>].

("State Department") manages the placement and reception of people overseas admitted to the United States as refugees.¹¹⁹ The Department of Health and Human Services provides limited cash, medical, and other assistance to refugees newly resettled in the United States.¹²⁰ In addition, the assistance provided to refugees once they arrive in the United States is decentralized, with much of the responsibility in the hands of voluntary resettlement agencies located throughout the country.¹²¹ These agencies use funds allocated from the State Department to provide limited support for at least the first thirty days after a resettled refugee arrives in the United States.¹²² Agency volunteers or staff typically meet resettled refugees at the airport and take them to pre-arranged housing.¹²³ Agency case managers work to help address the most basic needs of refugees directly after arrival.

Of the various offices within the three federal agencies tasked with working with refugees either bound for or within the United States, only one includes a mission statement that mentions integration. The Office of Refugee Resettlement, located within the Department of Health and Human Services, states that its mission is to provide "people in need with critical resources to assist them in

¹¹⁹ The Bureau of Population, Refugees and Migration ("PRM"), organized within the State Department, helps to collect and evaluate applications for refugee status from outside of the United States and operates the Reception and Placement Program. *U.S. Refugee Admissions Program*, *supra* note 118.

¹²⁰ The Department of Health and Human Services' Office of Refugee Resettlement works through state governments and nongovernmental organizations to provide cash and medical assistance, as well as language, employment, and social services. *Refugees*, U.S. DEP'T OF HEALTH AND HUMAN SERV.'S, <https://www.acf.hhs.gov/orr/refugees> [<https://perma.cc/N2AB-RDF7>] (last visited Feb. 20, 2017).

¹²¹ The State Department's Reception and Placement program works with nine nongovernmental domestic resettlement agencies to place refugees in about 190 communities throughout the United States and provides refugees with support during their first one to three months. *The Reception and Placement Program*, U.S. DEP'T OF STATE, <https://www.state.gov/j/prm/ra/receptionplacement/index.htm> [<https://perma.cc/9HKD-QVVL>] (last visited Feb. 20, 2017).

¹²² The program provides funding to agencies on a per capita basis that is used towards meeting the refugees' immediate needs on arrival. *Id.*

¹²³ NEZER, *supra* note 8, at 6 (detailing the activities and services conducted by voluntary agencies, known as "volags," to aid incoming refugees).

becoming integrated members of American society.”¹²⁴ Beyond this brief mention, there is no definition of what it means to be an integrated member of American society, and there are neither any strategies provided to achieve integration nor indicators given to measure integration.¹²⁵

The text of the 1980 Refugee Act does not expressly identify any specific policy guiding refugee resettlement efforts. In enacting the 1980 Refugee Act, Congress was more concerned with replacing the prior *ad hoc* entrance procedure with a comprehensive structure for the overseas admission of refugees into the United States.¹²⁶ The legal framework of the Act establishes programs to enhance the economic self-sufficiency of refugees. Rather than constructing a policy, the Refugee Act calls for the President to appoint a Coordinator for Refugee Affairs, who is tasked with developing an “overall United States refugee admission and resettlement policy.”¹²⁷ The legislation charges the Coordinator, an Ambassador-at-Large, with coordinating U.S. domestic and international refugee admission and resettlement programs.¹²⁸ There apparently has not been an Ambassador-at-Large serving as Coordinator for Refugee Affairs since February 1993.¹²⁹

¹²⁴ *What We Do*, U.S. DEP’T OF HEALTH AND HUMAN SERV.’S, <http://www.acf.hhs.gov/orr/about/what-we-do> [https://perma.cc/C6PT-VQUK] (last visited Feb. 20, 2017).

¹²⁵ The Office of Refugee Resettlement (ORR) formed an “Integration Working Group” in June 2006 to analyze refugee integration. A consultant tasked with facilitating the working group issued a report January 2007 with a working definition of integration, integration indicators, and best practices related to these indicators. INST. FOR SOC. AND ECON. DEV., REPORT OF THE INTEGRATION WORKING GROUP (2007), <http://ised-sow3.org.s56263.gridserver.com/sites/default/files/Report%20of%20the%20IWG.pdf> [https://perma.cc/ZSD6-EWLU].

¹²⁶ Deborah E. Anker & Michael H. Posner, *The Forty Year Crisis: A Legislative History of the Refugee Act of 1980*, 19 SAN DIEGO L. REV. 9, 11 (1981–82).

¹²⁷ 1980 Refugee Act, PUB. L. NO. 96–212, § 301(b)(1), 94 Stat. 102.

¹²⁸ *Id.* § 301(b)(2).

¹²⁹ U.S. Ambassador at Large, NNDB, <http://www.nndb.com/gov/539/000121176/> [https://perma.cc/8QTD-RQ83] (last visited Feb. 20, 2017) (indicating that Jewel S. Lafontant, who ended her term in February of 1993, was the last Coordinator for Refugee Affairs). Currently, the PRM Director is also Deputy Coordinator for Refugee Affairs. OFFICE OF THE HISTORIAN, *Assistant Secretaries of State for Population, Refugees, and Migration Affairs*, U.S. DEP’T OF STATE, <https://history.state.gov/departmenthistory/people/principalofficers/assistant-secretary-for-population-refugees-migration> [https://perma.cc/X5WJ-X72P] (last visited Feb. 20, 2017).

As a 1983 Government Accounting Office report concluded:

[i]mplementation of the [1980 Refugee Act's] legislative mandate requiring the Coordinator to develop an overall U.S. refugee admission and resettlement policy has proved to be extremely difficult and controversial. Overall, interpretation of policymaking responsibilities remains an issue of contention between the Coordinator's Office and the Federal agencies charged with program implementation. Also, the Office lacks the authority and resources to implement or enforce policy.¹³⁰

If there is a singular objective that drives U.S. refugee resettlement, it could be summarized as rapid economic self-sufficiency. While not enunciated as a policy framework, the goal to situate refugees in the workplace as soon as possible seems to drive U.S. resettlement efforts. This is evident in legislation, as well as Executive Branch strategy.¹³¹

The 1980 Refugee Act emphasizes speedy economic self-sufficiency.¹³² The section on assistance to refugees begins with calling for "sufficient resources for employment training and placement in order to achieve economic self-sufficiency among refugees as quickly as possible."¹³³ Federal regulations define economic self-

¹³⁰ Samuel W. Bowlin, Assoc. Dir., Nat'l Sec. and Int'l Affairs Div., Role of the U.S. Coordinator for Refugee Affairs, Statement Before the Subcommittee on Immigration, Refugees and International Law House Judiciary Committee (June 22, 1983).

¹³¹ See Harris, *supra* note 43, at 41, 83-84 (discussing the 1980 Refugee Act's focus on rapid job acquisition and "effective resettlement"); see also Paul Kenny & Kate Lockwood-Kenny, *A Mixed Blessing: Karen Resettlement to the United States*, 24 J. REFUGEE STUD. 217, 225 (2011) (noting that "[s]elf-sufficiency has always been the cornerstone of the US resettlement policy"); Kerwin, *supra* note 41, at 10 (stating that "early self-sufficiency through employment represents a core programme goal.").

¹³² The Act initially, and as amended, also addresses opportunities for English language training "in nonwork hours where possible." Immigration and Nationality Act, 8 U.S.C. § 1522(a)(1)(B)(ii) (2017). The Act also authorizes medical assistance, if such assistance will encourage economic self-sufficiency or avoid significant burdens on a state. *Id.* § 1522(e)(5)(A).

¹³³ 1980 Refugee Act, *supra* note 127, § 1522(a)(1)(A); Immigration and Nationality Act, *supra* note 132, § 1522(a)(1)(A) (2017).

sufficiency as earnings sufficient to support a family without receiving cash assistance.¹³⁴

In addition, the arm of the State Department tasked with refugee resettlement emphasizes work, encouraging employment as soon as possible.¹³⁵ The Department of Health and Human Services, Office of Refugee Resettlement stresses the importance of work as well.¹³⁶ Local refugee resettlement agencies help to carry out the rapid employment mandate by assisting newly-arrived refugees with enrolling in employment services.¹³⁷ Even the English-language classes to which state agencies refer refugees concentrate instruction on vocabulary for particular, low-skill jobs.¹³⁸

The prioritization of rapid employment assumes that participation in the labor force as quickly as possible is the best way for refu-

¹³⁴ 45 C.F.R. § 400.2 (2017) (defining cash assistance as: “financial assistance to refugees, including TANF, SSL, refugee cash assistance, and general assistance, as defined herein, under title IV of the Act.”).

¹³⁵ The Reception and Placement Program within the State Department’s Bureau of Population, Refugees and Migration states: “Refugees receive employment authorization upon arrival and are encouraged to become employed as soon as possible. Based on years of experience, the U.S. refugee resettlement program has found that people learn English and begin to function comfortably much faster if they start work soon after arrival. Most refugees begin in entry-level jobs, even if they have high-level skills or education. With time, many if not most refugees move ahead professionally and find both success and satisfaction in the United States.” *Reception and Placement Program*, U.S. DEP’T OF STATE, <http://www.state.gov/j/prm/ra/receptionplacement/index.htm> [<https://perma.cc/X2GN-2UX6>] (last visited Feb. 12, 2017).

¹³⁶ The Office of Refugee Resettlement’s Division of Refugee Assistance’s mission statement indicates that “DRA [Division of Refugee Assistance] provides direction to States to ensure that refugees are provided assistance and services through State-administered programs that enable them to become employed and economically self-sufficient as soon as possible after their arrival in the United States.” *Divisions – Refugee Assistance*, U.S. DEP’T OF HEALTH & HUMAN SERV.’S (Oct. 3, 2012), <http://www.acf.hhs.gov/orr/resource/divisions-refugee-assistance> [<https://perma.cc/8RLD-ASAP>].

¹³⁷ See, e.g., WORLD RELIEF SPOKANE, <https://worldreliefspokane.org/refugee-resettlement> [<https://perma.cc/44AU-CUA8>] (last visited Jan. 18, 2017) (stating that staff and volunteers assist refugees with enrolling in employment services).

¹³⁸ See, e.g., WASH. STATE DEP’T OF SOCIAL & HEALTH SERV.’S, REPORT TO THE LEGISLATURE: REFUGEE AND IMMIGRANT EMPLOYMENT SERVICES: LIMITED ENGLISH PROFICIENT (LEP) PATHWAY AND BASIC FOOD EMPLOYMENT AND TRAINING (BFET), 4, 10 (2015) (stating that “LEP Pathway’s ESL services provide participants with work-related English language training to enhance their employability” and indicating that refugees receiving TANF or Refugee Cash Assistance are referred to this program).

gees to successfully resettle in the United States. Through work, refugees are said to improve English language skills, gain familiarity with U.S. customs, and enhance economic self-sufficiency.¹³⁹

This focus on speedy economic self-sufficiency through employment is consistent with a market-based approach to social welfare. The United States has long opted to privatize many social benefits by transferring responsibility for basic social welfare to employers.¹⁴⁰ In the 1980s, neoliberal champions of fiscal austerity and free markets reformed or eliminated governmental social welfare programs based on the assumption that markets would maximize social well-being.¹⁴¹ The Refugee Act, adopted as neoliberalism began to take root among U.S. policy makers, followed suit by authorizing minimal governmental support for refugees and steering newcomers into the labor market as soon as possible.¹⁴²

A market-based system of social welfare conveys the misleading message that if a person invests labor in the market economy, society will provide the broader conditions for prosperity and dignity.¹⁴³

¹³⁹ See Bill Ong Hing, *Providing a Second Chance*, 39 CONN. L. REV. 1893, 1898 (2007) (quoting a 1993 vision statement from the director of the Office of Refugee Resettlement that touts the benefits of rapid employment).

¹⁴⁰ Maria L. Ontiveros, *The Myths of Market Forces, Mothers, and Private Employment: The Parental Leave Veto*, 1 CORNELL J. L. & PUB. POL'Y 25, 49 (1992) (stating that "our society has chosen the workplace to deliver social welfare benefits.").

¹⁴¹ See Mimi Abramovitz, *Neither Accidental, Nor Simply Mean-Spirited: The Context for Welfare Reform*, in THE PROMISE OF WELFARE REFORM: POLITICAL RHETORIC AND THE REALITY OF POVERTY IN THE TWENTY-FIRST CENTURY, 23, 26-27 (Keith M. Kilty & Elizabeth A. Segal, eds., 2006) (discussing the rise of neoliberalism and its tenets); see also Mitchell Dean, *Rethinking Neoliberalism*, 50 J. OF SOC. 150, 157 (2012) (noting the prominence of neoliberalism beginning in the late 1970s).

¹⁴² In this regard, refugees join impoverished Americans pushed into the low wage labor market as a supposed panacea. Welfare benefits have consistently been low enough to impose a work requirement for survival, but the 1996 Personal Responsibility and Work Opportunity Reconciliation Act imposed a strict work requirement, sanctioning individuals and states that failed to comply. Nice, *supra* note 10, at 63-64.

¹⁴³ See LAUREN BERLANT, *THE QUEEN OF AMERICA GOES TO WASHINGTON CITY: ESSAYS ON SEX AND CITIZENSHIP* 4 (1997) (noting "the fantasy of the American Dream" that "promises that if you invest your energies in work and family-making, the nation will secure the broader social and economic conditions in which your labor can gain value and your life can be lived with dignity."); Laura R. Peck & Sarah Allen Gershon, *Welfare Reform and the American Dream*, in THE PROMISE OF WELFARE REFORM, *supra* note 141, at 97 (noting that the American Dream, which promises "success in exchange for hard work and honesty," regardless of its merits, shapes public attitudes toward the poor).

For refugees, and likely other disadvantaged groups, the opposite may be true: these broader conditions may be a prerequisite for productive participation in the labor market. For example, the UNHCR stated in a 2016 report on refugee integration that “[s]elf-reliance can, however, only be achieved if there is an enabling environment. This includes a viable economic situation, the availability of affordable housing, as well as receptive attitudes within the host community.”¹⁴⁴

Even if neoliberal assumptions held true in the 1980s, the nature of the economy and jobs has since changed dramatically. The number of contingent workers has expanded significantly, resulting in less pay and leaving these workers without Social Security contributions, unemployment insurance, or workers’ compensation.¹⁴⁵ Even prior advocates of neoliberal economic philosophy have concluded since the financial crisis of 2008 that austerity and market-oriented policies have exacerbated economic inequality.¹⁴⁶ Despite recent discrediting of neoliberalism in general, and longstanding criticism that the U.S. refugee resettlement program has lacked proper funding and coordination, change appears unlikely.¹⁴⁷

¹⁴⁴ U.N. High Comm’r for Refugees, *Integration - A Fundamental Component*, *supra* note 66, at 2.

¹⁴⁵ See *Contingent Workers*, U.S. DEP’T OF LABOR, <https://www.dol.gov/dol/aboutdol/history/reich/reports/dunlop/section5.htm> [<https://perma.cc/3D9K-MG6S>] (last visited Mar. 31, 2017).

¹⁴⁶ Rick Rowden, *The IMF Confronts Its N-Word: The International Monetary Fund Admits that it’s Time to Discard Some of the Old Neoliberal Dogmas*, FOREIGN POLICY (July 6, 2016, 3:22 PM), <http://foreignpolicy.com/2016/07/06/the-imf-confronts-its-n-word-neoliberalism/> [<https://perma.cc/58K7-TSRN>] (discussing the International Monetary Fund’s acknowledgement that the organization had historically oversold the benefits of fiscal austerity and noting that this acknowledgment reflects a reckoning with “the failure of 30 years of neoliberal policies to bring about financial stability or lessen widening economic divides.”).

¹⁴⁷ There was some indication in 2015 that federal agencies were ready to expand beyond a limited economic self-sufficiency objective. A White House task force on “New Americans” published in April 2015 a “strategic action plan on immigrant and refugee integration.” THE WHITE HOUSE TASK FORCE ON NEW AMERICANS, STRENGTHENING COMMUNITIES BY WELCOMING ALL RESIDENTS: A FEDERAL STRATEGIC ACTION PLAN ON IMMIGRANT & REFUGEE INTEGRATION (2015) https://obamawhitehouse.archives.gov/sites/default/files/docs/final_tf_newamericans_report_4-14-15_clean.pdf [<https://perma.cc/BL24-PHN4>]. This interdepartmental task force included representation from the agencies involved in USRAP, as well as other federal agencies and offices. The plan identified five goals to strengthen the “integration pillars” of civic, economic, and linguistic integration. Even prior to the election of President Trump, it was not clear that the recommendations of the task force would have resulted in a policy of integration

Concern with employment and economic self-sufficiency is practical. Employment is indeed correlated with more positive outcomes for refugees.¹⁴⁸ Ager and Strang identify employment as an element of integration, indicating that work is a factor in promoting economic independence, planning for the future, building social ties within the host society, developing language skills, restoring self-esteem, and encouraging self-reliance.¹⁴⁹ Refugees themselves want opportunities to contribute their skills and efforts in their new communities and the ability to support themselves and their families.¹⁵⁰

for refugees with strategies beyond economic self-sufficiency. Many of the plan's strategies were geared towards employment. Moreover, the task force paid little attention to what some observers deem to be crucial differences between immigrants and refugees: immigrants voluntarily leave their home; refugees do not. See Catherine Dauvergne, *Informing Integration: Assessing What We Know, Admitting What We Don't Know*, 24 REFUGEE: CAN.'S J. ON REFUGEES 14, 14-15 (2007) (pointing out distinctions in Canada between refugees and immigrants, arguing that it is shortsighted to expect the two groups to integrate in the same way, and highlighting concern with integration measures that merge immigrant and refugee integration). Accordingly, the task force did not address some of the integration domains that Ager and Strang identify for refugee integration, such as health, safety, and stability.

¹⁴⁸ See Kim, *supra* note 62, at 750-51 (noting that compared with employed refugees, refugees who were outside of the labor force had higher odds of being diagnosed with mood disorders); see also Rihab Mousa Yako & Bipasha Biswas, "We Came To This Country for the Future of Our Children. We Have No Future": *Acculturative Stress Among Iraqi Refugees in the United States*, 38 INT'L J. OF INTERCULTURAL REL. 133, 134 (2014) (concluding that unemployment increases stress, negatively impacting refugees' health).

¹⁴⁹ Ager & Strang, *supra* note 11, at 170. See also FIX ET AL., *supra* note 2, at 2, 13, 17 (reporting that refugee employment rates are equal to or higher than those of U.S. born adults but also noting lower incomes for refugee households than those of U.S. born households).

¹⁵⁰ See, e.g., GEORGETOWN UNIV. LAW CTR., *supra* note 63, at 21 (recounting an Iraqi refugee couple, a physician and a veterinarian, unable to find jobs, but wanting to work, even at entry-level minimum wage jobs); Kenny & Lockwood-Kenny, *supra* note 131, at 228 (reporting on interviews with Karen refugees awaiting resettlement as wanting to work, so that "they would be able to progress," and quoting one as stating "I am looking forward to going to America because there will be good opportunities for us if we work hard."); Christopher R. Lester, Jr., *Refugee Education and Economic Integration: A Qualitative Study of the United States Refugee Admissions Program 3* (May 28, 2014) (unpublished M.A. thesis, Central European University), http://www.etd.ceu.hu/2014/lester_christopher.pdf [<https://perma.cc/2S34-K5H6>] (reporting that many refugees look forward to obtaining work and providing for their families).

While employment plays a role in integration, the multidimensional integration process stretches well beyond speedy and minimal economic self-sufficiency.¹⁵¹ Rapid employment may not enhance the long-term economic independence considered part of an integration policy.¹⁵² In fact, it may impair successful integration. This is true for at least five reasons.

First, a rapid employment strategy fails to address barriers to long-term economic independence.¹⁵³ Some refugees are more highly educated than other groups of immigrants.¹⁵⁴ But refugees with skills, expertise or professional education find that their quali-

¹⁵¹ See Harris, *supra* note 43, at 43 (asserting that “integration is much more than ‘economic self-sufficiency’”). A UNHCR definition of integration indicates that “self-reliance is but one part” of an integration process. U.N. High Comm’r for Refugees, *Integration – A Fundamental Component*, *supra* note 66, at 1. A UNHCR research report states that integration is a process related to, “but also to be distinguished from, self reliance.” Rosa da Costa, U.N. High Comm’r for Refugees, *Rights of Refugees in the Context of Integration: Legal Standards and Recommendations*, at 8, U.N. Doc. POLAS/2006/02 (June 2006), <http://www.unhcr.org/44bb90882.pdf> [<https://perma.cc/H5Z8-QQL5>]. In addition, the UNHCR asserts that “[i]ntegrating refugees goes beyond ensuring that they are provided with basic needs and access to services.” U.N. High Comm’r for Refugees, *Integration of Resettled Refugees*, *supra* note 7, at 8.

¹⁵² See Ager & Strang, *supra* note 11, at 170–71 (discussing the domain of “employment,” including the problem of underemployment because of work that is mismatched with a refugee’s skills and the need for vocational training education to foster employability). Rather than representing a path to prosperity, a narrow focus on economic self-sufficiency through rapid employment “undermines long term integration and resettlement success” for refugees. Harris, *supra*, note 43, at 82.

¹⁵³ See Liz Alderman, *Guiding Refugees in Europe on a Rocky Path to Assimilation*, N.Y. TIMES, Oct. 18, 2016 (reporting on barriers to employment faced by refugees in Europe and private initiatives to help clear those barriers). See also Harris, *supra* note 43, at 58.

¹⁵⁴ Ager & Strang, *supra* note 11, at 170.

fications are not transferable, or require a lengthy and costly recertification or recredentialing process.¹⁵⁵ Accordingly, they take “survival jobs” that hinder prospects for long-term economic stability.¹⁵⁶ In addition, the narrow rapid employment objective neglects the impact that housing has on the ability to secure employment. The housing that resettlement agencies select for refugees is often located in dangerous areas, far from work opportunities.¹⁵⁷ Moreover,

¹⁵⁵ See Harris, *supra* note 43, at 55–59. Ives, *supra* note 53, at 58–59. Rebecca Joie Habeeb-Silva, *Resettlement Challenges for Refugees in the United States* 31–32 (June 2016) (unpublished M.S.W. thesis, California State University, San Bernardino), <http://scholarworks.lib.csusb.edu/cgi/viewcontent.cgi?article=1321&context=etd> [<https://perma.cc/MS7L-2RVD>] (recounting from interviews with an Iraqi refugee family frustration at the inability to transfer college degrees or credit from completed college courses. Quoting also an Afghan refugee who had worked with USAID in Afghanistan, with over 13 years of management experience and geographical information mapping skills, unable to secure employment in his field and instead worked as a security guard).

¹⁵⁶ COLUMBIA UNIV. SCH. OF INT'L & PUB. AFFAIRS, *supra* note 63, at 11 (noting that the need to secure a speedy job that often does not match a refugee's skill set can prevent refugees from having time to become acclimated and access supportive services that could improve long-term outcomes). See FIX ET AL., *supra* note 2, at 16 (commenting on data suggesting high levels of underemployment among refugees with college degrees); see also Harris, *supra* note 43, at 29 (coining the term “survival jobs”); GEORGETOWN UNIV. LAW CTR., *supra* note 63, at 25 (indicating that the emphasis on immediate employment incentivizes resettlement agency caseworkers to push Iraqi refugees into low-paying jobs, regardless of the refugee's professional and educational experience). Refugees report high levels of stress related to debts that accrue immediately after arrival, including repaying the travel loan extended to them by the International Organization for Migration that paid their transportation cost to the United States. Habeeb-Silva, *supra* note 155, at 35. See Agbényiga et al., *supra* note 48, at 317 (recounting interviews with Burundian refugees struggling to secure adequate housing and food); Yako & Biswas, *supra* note 148, at 138 (reporting that some Iraqi refugees arrived already carrying debt after expending all of their resources waiting in a country of first asylum for resettlement).

¹⁵⁷ See Hing, *supra* note 139, at 1897 (noting that “[r]esettlement efforts have led to tough inner-city living environments for many, where they are surrounded by urban crime and gang activity.”); see also, Agbényiga et al., *supra* note 48, at 316 (citing refugee concerns with housing located in dangerous neighborhoods); COLUMBIA UNIV. SCH. OF INT'L & PUB. AFFAIRS, *supra* note 63, at 12 (identifying the lack of public transportation options for many refugees from homes to job interviews and subsequent employment); GEORGETOWN UNIV. LAW CTR., *supra* note 63, at 23 (quoting refugees who had missed job opportunities for lack of transportation to interviews); Kim, *supra* note 62, at 741 (finding that “[m]ost refugees of color are placed in urban areas with high poverty and poverty-related problems, and high rates of violence in the neighborhoods.”); Kenny & Lockwood-Kenny, *supra* note 131, at 13 (reporting on the resettlement agency's location of Karen refugees in one of the most dangerous neighborhoods in the city). Refugees' concerns regarding

the trauma and violence many refugees have experienced can lead to mental and physical health problems that, left untreated, can impair a person's ability to work.¹⁵⁸

Second, securing employment quickly may undermine the integration domain incorporating language and cultural knowledge. Weak English-language facility can prevent a refugee from attaining a job that matches his or her skills or abilities.¹⁵⁹ Yet refugees receiving temporary state or federal assistance may be required to take one or more low-paying jobs as a condition of such assistance, often preventing their attendance at ESL classes because of long hours and extensive commutes.¹⁶⁰ Without sufficient English-language skills,

the safety and location of housing echo longstanding concerns of poor people in general and the substandard housing to which they are relegated.

¹⁵⁸ Harris, *supra* note 43, at 58, n.101. Federal Refugee Medical Assistance expires eight months after arrival in the United States. U.S. DEP'T OF HEALTH AND HUMAN SERV.'S, ADMIN. FOR CHILDREN AND FAMILIES, ORR INDICATORS FOR REFUGEE RESETTLEMENT STAKEHOLDERS 21 (2015), https://www.acf.hhs.gov/sites/default/files/orr/508_compliant_fy_2016_orr_indicators_for_refugee_resettlement.pdf [<https://perma.cc/FBC6-NCSE>]. Thereafter, refugees who meet income criteria are eligible for Medicaid under the Affordable Healthcare Act. *Id.* Access to healthcare and clinical resources for refugees varies among states. *Refugee Health*, U.S. DEP'T OF HEALTH AND HUMAN SERV.'S, <https://www.acf.hhs.gov/orr/programs/refugee-health> [<https://perma.cc/N2AB-RDF7>] (last visited Oct. 6, 2017). Culturally appropriate mental health care is scarce. *See* CONTINUITY OF RISK, *supra* note 62, at 23 (identifying a lack of "culturally and linguistically appropriate and affordable mental health services as a critical, unmet need" in a study of Congolese refugee women); Kenny & Lockwood-Kenny, *supra* note 131, at 9 (noting that the requirement to find a job soon after arrival does not give refugees time to recover from any traumas they have experienced).

¹⁵⁹ Ives, *supra* note 53, at 58 (reporting on results of a study of Bosnian refugees resettled in the United States and concluding that they lacked access to intensive English language programs that could "enable them to move from manual labor . . . to better paying jobs more in line with their skill sets obtained in Bosnia.").

¹⁶⁰ *See* Harris, *supra* note 43, at 34, 61; *see also* Ives *supra* note 53, at 60 (reporting that refugees are essentially trapped in low-wage jobs "because of either no involvement in English courses due to immediate job obligations or involvement in courses that are geared toward minimum-wage work."); Immigration and Nationality Act, *supra* note 132, § 1522 (e)(2)(A) (2017) (conditioning temporary cash assistance to refugees on a refugee's registration with an employment service agency and acceptance of "appropriate offers of employment."). *See, e.g.,* Habeeb-Silva, *supra* note 155, at 36–67 (quoting an Iraqi refugee father lamenting that his sons became ineligible for assistance when they enrolled in community college rather than working).

refugees cannot advance beyond the low-paying jobs that initially interrupted their ESL classes.¹⁶¹

Third, immediate participation in the labor force can interfere with building the social bonds and social bridges that play a significant role in refugee health and feelings of being settled.¹⁶² Long hours devoted to work soon after arrival prevent establishing social connections.¹⁶³ As the UNHCR has concluded, “the time-limited focus on employment and self-sufficiency appears to overshadow the benefits of meaningful interpersonal interactions that include strong social and emotional support.”¹⁶⁴

Fourth, the economic self-sufficiency emphasis fails to consider the host community into which refugees are resettled—the other side of the integration equation. As integration definitions indicate, a host community and its institutions should be willing to meet the needs of a diverse population. With limited federal resources directed primarily at securing jobs for refugees, there is little or no assistance for facilitating interaction between refugees and their new communities. Communities that have received a proportionately

¹⁶¹ See CONTINUITY OF RISK, *supra* note 62, at 30 (discussing that the Congolese women refugees interviewed “reported ceasing to attend ESL classes as soon as they started working, which, for some, was as early as 6 weeks post-arrival in the US. Women cited a lack of evening ESL classes and difficulties with transportation, as well as not having enough energy or time, as their primary reasons for dropping out of ESL classes.”); see also FIX ET AL., *supra* note 2 at 15 (noting that a large percentage of adult refugees are unable to speak English well even after years of residence, despite also concluding that half of refugees are employed within eight months of arrival).

¹⁶² See Ager & Strang, *supra* note 11, at 178, 180 (addressing the import and benefits of social connections); see also Phillimore, *Implementing Integration*, *supra* note 58, and accompanying text (describing the positive impact of social connections on refugees). See, e.g., CONTINUITY OF RISK, *supra* note 62, at 26, 31 (addressing the isolation that Congolese women refugees reported and citing the barriers of work schedules and demands and concluding that Congolese women refugees with children needed more time and support before they could be expected to be self-sufficient).

¹⁶³ See Sungkyu Lee et al., *Community Integration of Burmese Refugees in the United States*, 6 ASIAN AM. J. OF PSYCHOL. 333, 338 (2015) (finding that long work hours may inhibit community integration).

¹⁶⁴ U.N. High Comm’r for Refugees, *Integration – A Fundamental Component*, *supra* note 66, at 3 (referring to a UNHCR-supported research report, *The Continuity of Risk: A Three-City Study of Congolese Women-at-Risk Resettled in the U.S.*); see also Phillimore, *Implementing Integration*, *supra* note 58, at 540 (concluding that social connections helped “facilitate access to the wide range of support that refugees needed to move their lives forward”).

large number of refugees, without sufficient federal support, are increasingly resistant to refugee resettlement and likely disinclined to build bridges with an unwanted community.¹⁶⁵

Finally, on a more abstract level, stressing economic self-sufficiency through rapid employment does refugees and host societies a disservice by perpetuating a narrative of refugees as welfare dependents.¹⁶⁶ Indeed, consistent with neoliberal philosophy, the amended Refugee Act specifically instructs local resettlement agencies to adopt criteria “to reduce welfare dependency among refugees resettled by that agency.”¹⁶⁷ The pervasive characterization of resettled refugees as “the ‘needy’ other”¹⁶⁸ not only marginalizes refugees but also prevents resettlement communities from capitalizing on the potential economic, social, and cultural contributions that refugees can offer.¹⁶⁹

¹⁶⁵ See NEZER, *supra* note 8, at 10–13 (reporting on local resistance to refugee resettlement); ABANDONED UPON ARRIVAL, *supra* note 8, at 2–3 (suggesting that low levels of federal assistance harm resettlement communities as well as refugees). States have expressed concern about accepting refugees in light of limited federal funds. FIX ET AL., *supra* note 2 at 19 (reporting that in 2016, four states announced an intent to withdraw from the state-administered part of the federal refugee resettlement program).

¹⁶⁶ This narrative has permeated U.S. immigration laws since their inception. See MOTOMURA, *supra* note 2, at 47 (recounting federal immigration laws since 1883 excluding immigrants likely to become public charges, and referring to state exclusions prior to the rise of federal law); see also FIX ET AL., *supra* note 2, at 20 (concluding that “perceptions of slow refugee integration, high benefit use rates, and low employment levels have not, in general, been supported by the evidence” from a study of five refugee nationalities in four states).

¹⁶⁷ Immigration & Nationality Act, *supra* note 132, § 1522(b)(8)(A) (2017). See also *id.* § 1522(a)(2)(C)(iii)(III) (cautioning that assistance to refugees should not promote long-term dependence on public assistance).

¹⁶⁸ See Tyeklar, *supra* note 44, at 153, 162 (noting that U.S. resettlement agencies commonly represent refugees as “the ‘needy’ other.”).

¹⁶⁹ Harris, *supra*, note 43, at 43. For example, roughly forty-five percent of Fortune 500 companies were established by immigrants or their children. PARTNERSHIP FOR A NEW AMERICAN ECONOMY, THE “NEW AMERICAN” FORTUNE 500 11 (June 2011), <http://www.renewoureconomy.org/wp-content/uploads/2013/07/new-american-fortune-500-june-2011.pdf> [<https://perma.cc/JRC6-YA9G>]. While this study includes voluntary immigrants as well as refugees, it speaks to the human capital that might be squandered by a focus on rapid employment for refugees. See, e.g., Anastasia Brown & Todd Scribner, *Unfulfilled Promises, Future Possibilities: The Refugee Resettlement System in the United States*, 2 J. ON MIGRATION & HUM. SECURITY 101, 110 (2014) (noting that refugees substantially contribute to local communities and citing a study finding that refugees contributed \$48 million to the economy in Cleveland, Ohio); GEORGETOWN UNIVERSITY LAW CENTER, *supra* note 63, at 26 (con-

3.3. Bridging the Gap

A federal policy excluding refugees, with no mechanism in place to facilitate the integration of refugees already present in the United States, will not likely improve domestic security. President Trump's ban on refugees and other immigrants has fueled xenophobic and racist narratives and may have played a role in violent attacks against immigrants.¹⁷⁰ Research has demonstrated that the climate of reception influences how immigrants and their children behave.¹⁷¹ The current environment of hostility and intolerance may only serve to promote ethnic separatism that could weaken community safety.¹⁷²

cluding that "modeling refugee assistance on anti-poverty programs is misguided"); Brown & Scribner, *supra* note 169, at 108-09 (asserting that associating refugee assistance with a form of welfare has altered how segments of the American public perceive resettled refugees).

¹⁷⁰ See Janice Williams, *Under Trump Anti-Muslim Hate Crimes Have Increased at an Alarming Rate*, NEWSWEEK (July 17, 2017, 6:05 PM), <http://www.newsweek.com/hate-crime-america-muslims-trump-638000> [<https://perma.cc/5VS7-EURH>] (recounting a 91% increase in reported hate-crimes against Muslims in the first half of 2017 compared to the same period in 2016, with many said to be triggered by the victim's national origin). See, e.g., Sandi Doughton, *FBI Aids in Investigation into Shooting of Sikh Man in Kent*, SEATTLE TIMES (Mar. 5, 2017, 12:11 PM), <http://www.seattletimes.com/seattle-news/crime/fbi-aids-in-investigation-into-shooting-of-sikh-man-in-kent/> [<https://perma.cc/GAD8-5CRB>] (reporting that the victim of a shooting, a U.S. citizen originally from India, claimed his assailant told him to "go back to your own country"); Liam Stack, *F.B.I. Investigating Kansas Shooting of Indian Men as Hate Crime*, N.Y. TIMES (Feb. 28, 2017), <https://www.ny-times.com/2017/02/28/us/kansas-shooting-indians-fbi.html> [<https://perma.cc/AVR6-HFTB>] (indicating that the F.B.I. is investigating as a hate crime the shooting of two Indian immigrants by a white assailant who questioned their immigration status and issued ethnic slurs before firing shots); see also Türk, *supra* note 5, at 4 (noting "a proliferation of xenophobic narratives" in some countries that has led to attacks against refugees).

¹⁷¹ See BLOEMRAAD, *supra* note 55, at 2 (arguing that "differences in the context of reception [of immigrants] produce quantifiable differences in political incorporation"). See also Aleinikoff & Rumbaut, *supra* note 2, at 20 (presenting survey data showing that groups that have found a favorable degree of reception in the United States were more likely to have a positive view about life in America while groups that are subject to racism and intolerance in the United States were less confident that they could ever gain acceptance).

¹⁷² See Aleinikoff & Rumbaut, *supra* note 2, at 2, 19-20 (arguing that "the way people are invited or welcomed to become members of the society influences their

In the absence of a federal integration policy or strategy, local actors can facilitate the integration of resettled refugees and help counterbalance national pronouncements of exclusion. The experiences of resettled refugees around the world underscore the value of even small efforts in the integration process. In describing the import of social connections with members of a host community, Ager and Strang suggest that “[s]mall acts of friendship appeared to have a disproportionately positive impact on perceptions. Friendliness from the settled community was very important in helping refugees feel more secure and persuading them that their presence was not resented.”¹⁷³

An evaluation of refugee integration projects in the United Kingdom suggests that social connections promote integration, even in the absence of a robust state policy or support for a two-way integration process. Projects that have facilitated such connections have helped reduce isolation, lower levels of depression, and increase motivation among refugees.¹⁷⁴ Notably, both refugees and members of host communities reported feeling safer following participation in projects that encouraged social interaction between the two groups.¹⁷⁵

Similarly, providing refugees with information on the laws and administration of justice in their new home through a community-based forum can promote integration.¹⁷⁶ As indicated at the beginning of Section 3, such programs can strengthen the citizenship and

joining behavior” and adding that this conditioned behavior “influences how society invites others to join it.”).

¹⁷³ Ager & Strang, *supra* note 11, at 180. Along a similar vein, a Government Accountability Office report to the U.S. Senate that was critical of the refugee resettlement program recommended federal funding to enhance community engagement to increase public awareness of and interaction with refugees. ABANDONED UPON ARRIVAL, *supra* note 8, at 6.

¹⁷⁴ Phillimore, *Implementing Integration*, *supra* note 58, at 536–37. Others underscore the primacy of social connections. See, e.g., BLOEMRAAD, *supra* note 55, at 66 (maintaining that immigrants are linked to the political system through social connections); Agbényiga et al., *supra* note 48, at 308 (finding that a lack of social connections decreases refugees’ well-being).

¹⁷⁵ Phillimore, *Implementing Integration*, *supra* note 58, at 538.

¹⁷⁶ Some refugees may have been introduced to features of the U.S. legal system prior to arriving in the United States. After the U.S. State Department and Homeland Security approves a refugee’s application for resettlement to the United States, “most refugees undergo a brief cultural orientation course prior to departure for the United States.” It appears that pre-arrival orientation is available only in nine locations globally. *Refugees, and Migration*, U.S. DEPT OF STATE,

rights foundation on which other domains of integration rest. By contributing to this foundational element, these programs indirectly support the other integration domains. Moreover, because the workshops involve dozens of lawyers, judges, teachers, and students, they directly help to establish the social bridges domain between refugees and the communities within which they settle. Ironically, these community-based workshops also reflect neoliberalism's enthusiasm for the role of the community sector as an alternative to government-provided social support.

Interactive law and justice workshops can also advance a narrower policy of economic self-sufficiency. Congress itself has underscored the link between jobs and a newcomer's understanding of his or her rights and responsibilities. It adopted the Workforce Innovation and Opportunity Act in July 2014 to increase "access to and opportunities for the employment, education, training, and support services [individuals] need to succeed in the labor market," among other goals.¹⁷⁷ A stated purpose of the legislation is to "assist immigrants and other individuals who are English language learners in . . . acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship."¹⁷⁸ In other words, to fully participate in the U.S. labor force, refugees and immigrants need to be familiar with the system of justice in the United States.

4. A PRACTICAL PROPOSAL

<http://www.state.gov/j/prm/ra/admissions/index.htm> [<https://perma.cc/JTJ5-2WHQ>] (last visited Feb. 20 2017). At least one report has criticized this pre-departure orientation as insufficient. COLUMBIA UNIVERSITY SCHOOL OF INTERNATIONAL & PUBLIC AFFAIRS, *supra* note 63, at 10. *Who We Are, CULTURAL ORIENTATION RESOURCE EXCHANGE*, <http://coresourceexchange.org/about/who-we-serve/> [<https://perma.cc/DKV4-CEXP>] (last visted Feb. 18, 2017). Another evaluation noted that the program emphasizes the need to seek employment as soon as possible. Julie M. Kornfeld, *Overseas Cultural Orientation Programmes and Resettled Refugees' Perceptions*, 41 FORCED MIGRATION REV. 53, 53 (2010).

¹⁷⁷ Workforce Innovation and Opportunity Act, 29 U.S.C. § 3101(1) (2015). This act succeeded its predecessor, the 1998 Workforce Investment Act. *See infra* note 189.

¹⁷⁸ *Id.* § 3271(4)(B) (2015) (referencing the Adult Education and Literacy subchapter).

This Section proposes that communities with sufficient resources can work to provide an interactive, multicultural, and multilingual opportunity for refugees to learn about their legal rights and responsibilities in their new home. The Section describes a collaborative workshop on law for refugees in Spokane, Washington as a possible model for other communities to follow to strengthen refugee integration.

In Spokane and elsewhere, nonprofit organizations working with refugees, prosecutors, judges, police, public defenders, and educators have recognized a need to provide information to refugees and immigrants about their legal rights and responsibilities and the system enforcing them.¹⁷⁹

One of the significant hurdles refugees face upon resettlement is society's expectation that they comply with legal norms. Expecting everyone within the borders to adhere to U.S. law is reasonable and necessary for public safety. Nonetheless, many Americans who are citizens by birth inadvertently run afoul of unfamiliar laws. The same is true for new transplants to the United States. Yet, as even many first-year law students are surprised to learn, lacking knowledge of a law does not make a lawbreaker less culpable.

Breaking a law, particularly a criminal law, comes with harsh consequences. The implications of merely being suspected of a criminal violation can be devastating. Temporary detention can result in the loss of a job, triggering the loss of housing as well.

The stakes are even higher for resettled refugees and other immigrants who have not yet gained citizenship. As of January 2017, refugees and other immigrants who have not become naturalized citizens are given priority for removal from the United States if they "[h]ave committed acts that constitute a chargeable criminal offense," regardless of whether they were charged or convicted, and irrespective of the magnitude of the offense.¹⁸⁰

¹⁷⁹ See ABANDONED UPON ARRIVAL, *supra* note 8, at 10 (referring to an interview with Nancy Chamberlin, Deputy Chief of police, during which she noted that many refugees are leery of police because of prior persecution in other countries and that some tend not to understand basic laws rooted in U.S. culture).

¹⁸⁰ Exec. Order No. 13,768, 82 Fed. Reg. 8,799 (Jan. 25, 2017). Such proceedings do not mean automatic expulsion, but rather an administrative hearing to determine if a culpable refugee should be expelled. And accusations of a violation may prompt a plea bargain to a lesser offense—whether committed or not—that also triggers removal proceedings. In the past, *violations* could subject a refugee to deportation proceedings. Individuals admitted as refugees who have not gained U.S.

There are several criminal laws that a refugee lacking familiarity with U.S. legal culture might inadvertently violate. Child welfare laws serve as an example as illustrated by the following occurrence. A newly resettled couple from a refugee camp in East Africa parked their car in a shop's parking lot for a quick errand. They left their two children in the car with the windows open an inch or two and the doors unlocked. Prosecutors charged the parents with child endangerment. While the outside temperature was about 70 degrees, prosecutors argued that the interior temperatures could have escalated sufficiently to result in harm to the two children. For the parents, 70 degrees did not seem warm enough to cause concern. Moreover, it was common practice in their home country to leave children in unlocked cars for short periods when shopping at traditional open-air markets.¹⁸¹

To help address the challenges of refugees who lack an understanding of legal norms in the United States, a small group of law professors (including this Author), lawyers, and community college English-as-a-second language ("ESL") instructors in Spokane convened to provide information to refugees on U.S. law and legal processes.

Spokane, like some other mid-sized cities in the United States, has been receiving an increasing number of resettled refugees.¹⁸² For a variety of reasons, some states, and particular communities within

citizenship can be deported for a variety of criminal offenses. *See Vong Xiong v. Gonzales*, 484 F.3d 530, 533–34 (8th Cir. 2007) (holding that a person who entered the United States as a refugee could be placed in removal proceedings because of an aggravated felony conviction, even though his refugee status had not been terminated); *see also* 8 U.S.C. § 1227(a)(2) (2006) (detailing the criminal offenses that will result in the deportation of previously admitted refugees).

¹⁸¹ While details of this occurrence have been altered, central elements accurately reflect an incident in Spokane, Washington. E-mail from Francis Adewale, Spokane, WA City Public Defender, to Author (Nov. 7, 2016) (on file with the Author).

¹⁸² World Relief Spokane Email (Nov. 3, 2016) (on file with the Author) [hereinafter World Relief Spokane Email]. These numbers only count the refugees initially resettled in Spokane and do not take into consideration refugees who might have moved here after being resettled elsewhere. The U.S. Census Bureau estimated in 2016 that the population of Spokane County was 499,072. *QuickFacts: Spokane City, Washington; Spokane County, Washington*, UNITED STATES CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/spokanecitywashington,spokanecountywashington/PST045216> [<https://perma.cc/4DDQ-RUP2>].

those states, receive more resettled refugees than others.¹⁸³ According to the U.S. Department of Health and Human Services, Office of Refugee Resettlement, 3,233 refugees were resettled in Washington State during the fiscal year ending in September 2016. Washington ranked eighth in the nation in terms of the number of refugees resettled during that year.¹⁸⁴ The total number of refugees resettled in Spokane from 2007 through 2016 is 4,486.¹⁸⁵

Possibly the first area-wide program to address refugees' lack of familiarity with legal norms came from Community College of Spokane's Adult Education Center ("CCS AEC"). Since 2002, CCS AEC has been receiving U.S. Department of Education grants to provide civics instruction to students enrolled in ESL courses.¹⁸⁶ Initially, as

¹⁸³ Government agencies determine the locations in which refugees will be resettled based on a variety of factors including existing communities or relatives, the strength of the location's nonprofit resettlement partner, the cost of housing, the availability of jobs, access to health care, and consultation with state and county officials. Harris, *supra* note 43, at 35–36, n.13. See Josh Sanburn, *These 6 States Take in The Most Syrian Refugees*, TIME (Sept. 10, 2016), <http://time.com/4029719/syrian-refugees-us-relocate/> [<https://perma.cc/GUJ6-HCEU>] (reporting that factors determining resettlement locations also includes the availability of housing). See generally ADMIN. FOR CHILDREN & FAMILIES, U.S. DEP'T OF HEALTH AND HUM. SERVICES, ORR INDICATORS FOR REFUGEE RESETTLEMENT STAKEHOLDERS FISCAL YEAR 2015 9–11 (Jan. 23, 2017) [Hereinafter ORR INDICATORS] (but note secondary migration from initial host).

¹⁸⁴ The Refugee Processing Center reports information on refugee arrivals. REFUGEE PROCESSING CTR., INTERACTIVE REPORTING ARRIVAL REPORTS (last visited Feb. 19, 2017), <http://www.wrapsnet.org/admissions-and-arrivals> [<https://perma.cc/4BGC-FNCC>] (showing, when you navigate to 'Interactive Reporting' in the 'Reports' tab and enter the date range for Fiscal Year 2016, that seven states receiving more refugees than Washington were, starting with the highest number: California, Texas, New York, Michigan, Ohio, Arizona, and North Carolina). This is an increase from the 2015 fiscal year, ending in September, when Washington ranked 10th. ORR INDICATORS, *supra* note 183 (identifying the nine states receiving more refugees than Washington in FY 2015 as, starting with the highest number: Texas, California, New York, Arizona, Michigan, Ohio, Georgia, Pennsylvania, and Illinois).

¹⁸⁵ World Relief Spokane Email, *supra* note 182.

¹⁸⁶ Interview with Kathy Laise, ESL Instructor and Civics Coordinator, Community Colleges of Spokane (Sept. 27, 2016) [Hereinafter Interview with Kathy Laise]. The grants were awarded pursuant to the Workforce Innovation Act. See Workforce Innovation and Opportunity Act (WIOA), Pub. L. No. 113-128, § 243, 128 Stat. 1624 (2014) (regulating the awarding of federal grants for the purpose of integrated English literacy and civics education); see also *supra* notes 177–78 and accompanying text.

part of the civics instruction, lawyers visited ESL classes to introduce the U.S. system of government and legal structure with the help of interpreters.¹⁸⁷

In 2013, I joined with the ESL civics program, other lawyers, and a refugee advocacy NGO to present a multilingual, multicultural, half-day workshop on U.S. Law and Justice for Refugees and Immigrants. The core team creating the workshop consisted of three key individuals and the organizations we represented. A Spokane city public defender, who also served on the board of directors of the nonprofit organization Refugee Connections Spokane, was distressed with defending refugees who did not understand the laws they had allegedly broken.¹⁸⁸ For this reason, he wished to provide Spokane's refugee community with more in-depth legal training than that which had been offered through the ESL courses. I learned of his aspirations through my volunteer work with the same nonprofit organization. The nonprofit had already established a working relationship with the community college center that teaches English to refugees along with civics instruction. With the public defender identifying the areas of law that refugees most frequently violate, I developed a curriculum, working in collaboration with the ESL instructors and CCS AEC staff who provided the participants, knew their languages and cultural backgrounds, and had a budget for civics education. Thus, a public defender, law professor, and ESL teacher combined efforts with support from Refugee Connections Spokane, Gonzaga University School of Law, and Community Colleges of Spokane to create this workshop. A number of other volunteers bolstered these efforts.

The three of us worked together to present variations of this workshop in October 2013, February 2015, and March, 2016.

- The 2013 workshop included about 140 refugees and immigrants, representing over fourteen different languages. Most of the substantive instruction took place in ten language-based breakout sessions.

¹⁸⁷ Most of the students in these courses were refugees and immigrants who had relocated to Spokane, not visiting foreign students. Interview with Kathy Laise, *supra* note 186.

¹⁸⁸ Interview with Francis Adewale, then Chair of the Board of Directors, Refugee Connections Spokane, and Spokane Public Defender (Aug. 14, 2013).

- The 2015 workshop reached over 180 refugees and immigrants, representing about sixteen languages. Much of the instruction occurred in nine language-based breakout sessions.
- The 2016 workshop included 160 refugees and immigrants, representing over fifteen different languages. The majority of substantive instruction took place in twelve language-based groups.
- Each workshop included a breakout session for a mixed language group with no interpretation led by ESL-trained lawyers.

While Spokane's collaboration fell into place almost inadvertently, other communities can intentionally work to create a similar team. ESL programs across the nation receive Department of Education grants for ESL/Civics instruction.¹⁸⁹ These resources have covered most of the costs of the workshops described here and could help to fund similar collaborative programs for refugees in other communities. Much of the remainder of this article provides more detail with the hope that others can replicate and improve this initiative to help refugees and their communities work towards integration.

This section outlines the workshops' general goals, structure, logistics, and alterations over its three iterations.

4.1. Goals and Structure

The workshop collaborators have maintained four goals for the workshops: 1) to foster a positive view of the U.S. legal system and

¹⁸⁹ See Workforce Innovation and Opportunity Act (WIOA), *supra* note 186, § 243 (providing funding for integrated English literacy and civics education); see also *Adult Education and Literacy*, U.S. DEPARTMENT OF EDUCATION (last visited Feb. 19, 2017), <https://ed.gov/about/offices/list/ovae/pi/AdultEd/index.html> [<https://perma.cc/J24L-L6GA>] (describing the Office of Career, Technical, and Adult Education's role in providing integrated English literacy and civics education grants). Congress authorized grants to states for ESL/Civics instruction under the 1998 Workforce Investment Act. MICHELLE TOLBERT, NATIONAL INSTITUTE FOR LITERACY, ENGLISH LITERACY AND CIVICS EDUCATION FOR ADULT LEARNERS 8-9 (Aug. 2001). Congress repealed the WIA effective 2015, when it enacted WIOA. Workforce Innovation and Opportunity Act (WIOA), *supra* note 186, § 511(a).

state actors, given that many refugees and immigrants come from places where legal authority figures represent a threat; 2) to explain the purpose of the criminal justice system and the consequences of violations, particularly on immigration status; 3) to identify key civil rights and liberties; and 4) to provide information in writing to each participant in their first language.

The first goal is crucial as it addresses the very core of why refugees were initially displaced. A person becomes a refugee after being forced by fear of persecution to leave his or her country.¹⁹⁰ The 1951 Refugee Convention and 1967 protocol do not define persecution, but domestic and regional law fill this gap. To rise to the level of persecution, the United States and other jurisdictions determine that acts must either be committed by a state actor or the state must be unwilling or unable to protect the person claiming refugee status from the persecution of private actors.¹⁹¹ Refugees, then, have cause to be fearful or suspicious of state actors. Accordingly, we wanted to put a human face to aspects of the legal system. Each of the workshops included discussions with uniformed police officers, judges, lawyers, and law students.

The 2016 workshop benefitted from an address by Justice Mary Yu of the Washington Supreme Court who is the daughter of two immigrants herself. Her distribution of pocket-sized U.S. Constitutions to the participants was a highlight of the day. A uniformed police officer visited each small group during that workshop and provided "Emergency Language Cards" for limited English proficient refugees and immigrants to keep with them.¹⁹² Judging by the number of requests for photos with the Justice and police officer, the

¹⁹⁰ See *supra* note 19, and accompanying text (explaining the definition of "refugee").

¹⁹¹ *Id.*

¹⁹² Refugee Connections Spokane developed the wallet-sized cards and worked with the Spokane Police Department to train officers to ask limited-English speaking residents if they had a card. Each card included space for contact information for a person who could interpret in an emergency.

workshop succeeded in presenting state actors as human and approachable.¹⁹³ These interactions contributed to the social links element of integration that refers to connections between refugees and government entities.¹⁹⁴

Collaborators constructed the curriculum to meet the second and third goals. To explain the purpose of the criminal justice system and the consequences of violations, the second goal, city prosecutors and public defenders helped to identify the most important substantive areas of law to address—areas where they tend to see refugees having issues. They identified domestic violence as the most important topic, followed by issues related to children, including abuse and neglect. To provide a context for these laws, the curriculum addressed the general framework of the criminal justice system, beginning with constitutional principles and the rule of law.

To identify key civil rights and liberties, the third goal, collaborators considered areas in which refugees and immigrants commonly experience discrimination and presented information on legal protective norms. The curriculum has addressed rights of people stopped by police or other authorities, the rights of children and parents in public schools, and rights related to housing and the workplace.

This substantive instruction occurred mostly in small, language-based groups to facilitate communication in the participants' first language. Volunteer lawyers teaching these groups introduced topics with scenarios based largely on actual occurrences involving refugees. Each participant received a translated handout with basic legal rules that applied to the scenarios. The groups then worked through the scenarios in an interactive manner. Some of these groupings supported the social bonds domain of integration by helping refugees establish connections with "like-ethnic groups."¹⁹⁵

Two volunteer lawyers, judges, law professors, or law students taught each of the break-out groups. These volunteers followed the same curriculum—presented as a detailed script—but allowed for

¹⁹³ In attempting to present the less intimidating human side to legal actors, we could not ignore the fact that minorities in the United States can face considerable risks in interactions with police. *See infra*, Section 4.4.

¹⁹⁴ Ager & Strang, *supra* note 11, at 181 (describing social links as "the connection between individuals and structures of the state").

¹⁹⁵ *Id.* at 178 (explaining the benefits refugees gain from connecting with "like-ethnic groups").

deviation to meet the needs and interests of their groups. All but one break-out group worked with an interpreter. The group with no interpreter included students with languages only spoken by one or two participants. The two lawyers teaching this session had worked as ESL instructors, and CCS ESL instructors also provided assistance.

Some of the substantive information on the general system of justice was conveyed in an initial plenary session presented by honorary speakers or others. Though these sessions were somewhat chaotic, with interpreters speaking 10 to 14 languages at once in a room holding over 200 people, they proved energetic and informative.

4.2. Logistics

The law and CCS partnership was critical for success. Importantly, the CCS ESL students comprised almost all the workshop participants.¹⁹⁶ Drawing on ESL students as the workshop participants meant that some newly-arrived refugees were excluded. Most of the students in the CCS ESL classes were refugees and immigrants who had secured either state or federal benefits through Temporary Assistance to Needy Families (TANF) or Refugee Cash Assistance.¹⁹⁷ All Spokane area recipients of these benefits are referred to CCS ESL classes. Some TANF beneficiaries are required to enroll in ESL courses as a corollary of participating in other required work-related activities. Elderly refugees, those with sufficient English-language capacity, and those able to secure employment without ESL instruction were likely omitted from participation in the workshops.

Including primarily ESL students in the workshops allowed organizers to forecast the language groups and numbers within each

¹⁹⁶ While CCS records indicate that most of their ESL students were resettled refugees, others were immigrants with various visa statuses. The workshop collaborators made no effort to identify or distinguish among them. For each of the three workshops, all ESL teachers were invited to bring their class to the workshops. Only one teacher declined the invitation during one of the workshops.

¹⁹⁷ The U.S. Department of Health and Human Services Office of Refugee Resettlement provides refugee cash assistance (RCA) for up to eight months after arrival to qualifying refugees who are not eligible for TANF. Kerwin, *supra* note 41, at 11.

one in advance of the workshop. With this information, we could arrange sufficient instructional space for each breakout group, provide the correct number of handouts on the law and legal system translated into the languages of the participants, and ensure the availability of interpreters. Organizers hoped that participants would share the translated material and additional information with others in their community who did not participate. Providing translations and interpretation supported the language and cultural knowledge domain of integration. As Ager and Strang identify, “[f]ostering community integration potentially means reducing barriers to key information through the provision of material translated into the languages of refugees and other migrants.”¹⁹⁸

The workshops also relied on CCS’s coordination and ESL/Civics budget. CCS hired former students and others to translate the written handouts and serve as interpreters during the workshop. CCS also arranged for buses to pick up ESL classes at four different locations in the city and transport participants to and from the workshop site. For the first two workshops, CCS also provided the workshop space. Finally, CCS provided light snacks during each of the workshops, as well as notepads and pens for participants.

The workshops have depended on anywhere from twenty to fifty volunteer judges, lawyers, law professors, law students, police, and others. Many of the volunteer teachers and presenters in the second and third iterations were repeat players, including students who had graduated and returned as lawyers to teach. Most volunteers indicated that they gained more than they gave through their participation. The workshops provided an opportunity for the local legal community and law students to interact with a population that is often invisible to them. Accordingly, the workshops served to build the social bridges domain through linking refugees with supportive members of their new community.¹⁹⁹

I also presented an hour-long orientation session for the volunteer teachers prior to each workshop. Orientation topics included: the curriculum content, the types of questions participants might

¹⁹⁸ Ager & Strang, *supra* note 11, at 182.

¹⁹⁹ *See id.* at 179–80 (describing the importance of building relationships between refugees and their host community and noting the value of refugees encountering friendly people in their daily lives in order to feel at home).

ask (and possible responses), and best practices in working with interpreters.

Two evaluations were conducted after each workshop. I created a short questionnaire in very basic English for the participants. ESL teachers distributed the evaluation questions to their students and helped them work through the language. Some of the participants' comments have been very instructive, reflecting the value of these workshops.²⁰⁰ In addition, I invited all of the volunteers to convene shortly after each workshop to discuss strengths and weaknesses of the workshop from their perspective.

4.3. Challenges and Subsequent Alterations

With each presentation of the workshop, the evaluations and other observations identified issues or ideas to address in subsequent workshop iterations. These are addressed below.

4.3.1. Content Versus Time

A four-and-a-half-hour window represents less than two hours of instructional time in light of language interpretation, breaks, and transitions between rooms. While organizers added a half-hour since the first workshop, the timeframe has not since expanded further because the participants manage so many competing demands. In addition, there was an observable saturation as the participants struggled to understand the language (before interpretation) as well as the new legal concepts.

These time restraints mean hard choices in terms of selecting content, for which there is no easy model. Each year collaborators shifted the content slightly, increased the amount of small-group time, and shortened the plenary sessions. Each change in content

²⁰⁰ Of the seventy-two participants who completed an evaluation from the 2016 workshop, seventy reported that they agreed or strongly agreed with the statement: "I learned important information in this workshop." Comments following that statement included: "Child abuse and neglect are different from my country," and "Domestic violence is very important." Other general comments included: "I learned how the police can help me;" "I was very happy to see the judge;" and "All people are friendly!". (Evaluations on file with Author).

has meant reworking the translated written materials, which adds an additional expense.

To help augment the restricted curriculum, the nonprofit co-sponsor coordinated additional information and resources for the last workshop. During the half-hour refreshment break, ten advocacy, governmental, and social service organizations staffed tables in a common area, many with resources printed in different languages.²⁰¹ The nonprofit organization also staffed a general table with resources translated into various languages.²⁰² This resource opportunity further supported the integration domains of social bridges and links, as well as language and cultural knowledge.

The limited time also impacted the management of participants' questions. One approach was to take questions in writing throughout the workshop, ask the interpreters to translate them, and address common themes during the final plenary session. This was less than ideal. A subsequent approach managed questions within the small groups. This put more pressure on the volunteer teachers, but the use of two volunteers with different areas of legal expertise in each group helped in this regard. Plus, accumulated experience has allowed organizers to forecast some of the difficult questions and prepare volunteers during the volunteer orientation to address these. Fielding questions in small groups also ran the risk of discouraging questions from participants who did not wish to ask them directly. To ease this problem, each participant received a note pad and was presented with the option of submitting anonymous written questions. No one took advantage of this alternative. Another

²⁰¹ Organizations included the Spokane Volunteer Lawyer's Program, Catholic Charities, Northwest Justice Project, TeamChild, Northwest Fair Housing Alliance, State Minority and Justice Commission, State Interpreter Commission, Spokane Police Department, Refugee Connections Spokane, and the Washington Defenders Association. Workshop organizers recognized that tabling during a break at an event might be a practice unfamiliar to some. Accordingly, ESL instructors helped set the stage in advance by describing to participants this informal practice. In addition, ESL instructors and interpreters were available to facilitate communication between those staffing the tables and participants.

²⁰² These materials included, for example, the American Civil Liberties Union's "Know Your Rights" in Arabic, Spanish, and Farsi; Northwest Immigrant Rights Project's "Domestic Violence: Questions and Answers for Immigrants and Refugees" in Spanish, Vietnamese, and Chinese; Northwest Justice Project's "School Rights for Immigrant and Refugee Children and Their Parents in Washington State" in Spanish and Russian; and Federal Trade Commission information on *notario* fraud. A grant from the Law Foundation of Washington covered the cost of printing these materials.

approach to help with questions was to proactively provide information in as many languages as possible through the tabling referenced above.

4.3.2. Language Interpretation

The interpreters for the breakout groups were not professional interpreters and many had difficulty with complex language. For every iteration, I simplified the curriculum script to use plain language and simple construction. Interpreters received the curriculum in advance of the workshop. The shoestring budget meant that interpreters were not paid for preparation time. While some have gone as far as writing out a translation of the materials for themselves, not all were able to become so well acquainted with the curriculum.

To help interpreters, I encouraged volunteer teachers during their orientation session to avoid legal jargon, colloquialisms, and complex language. I also warned guest speakers of this barrier in advance and urged them to use short sentences and plain language.

4.3.3. Physical Facilities

The workshop facilities require, at a minimum: one room large enough to hold at least 230 people; at least fourteen separate rooms of varying sizes for breakout sessions, a volunteer staging area, and lunch for visiting speakers; an area to accommodate refreshments for 200 or more people; and an area for informational tables during the refreshment break. In addition, the workshop should be centrally located with parking and be available at no cost when ESL classes are in session. The first two workshop spaces required placing different small language groups in the same room and were less than ideal. Locating the 2016 workshop at Gonzaga School of Law during its spring break worked well.

4.3.4. Photos and Media Coverage

Media coverage presents a dilemma. On one hand, the workshops are newsworthy events. News outlet coverage provides a framework for educating the general public on barriers faced by refugees and immigrants in the community. Reporting also informs the community that newcomers, educators, and legal actors are joining together to minimize those obstacles. On the other hand, there is no media coverage without photos and video and many refugees and immigrants do not wish to have their images captured or broadcast. Concerns run the gamut from fear of reprisals on family remaining in violent conflict situations to the possible discovery of an immigrant's undocumented status. The compromises incorporated during the 2016 workshop seemed successful. These included:

- Inviting specific television and print reporters who had previously covered refugee issues in the community and who agreed to take images from the back of the large plenary session, capturing only the backs of participants' heads.²⁰³
- Arranging through the co-sponsoring NGO a former refugee who volunteered to meet with media for individual interviews.
- Organizing individual interviews with guest speakers.
- Providing a volunteer professional photographer who took portraits of willing individuals or groups during the refreshment break. He operated in a separate room to ensure his subjects had signed a plain-language photo release form and that he would not inadvertently capture someone else's image.²⁰⁴ He

²⁰³ Organizers also located in the upper balcony of the plenary session room the language groups that have indicated concern over photos in the past so that not even the backs of their heads would be captured. In addition, collaborators sought advance approval from interpreters because they generally face the audience for whom they interpret, and thus, faced the cameras set up in the back of the plenary room.

²⁰⁴ The CCS collaborator provided the text of this photo release form to ESL instructors in advance of the workshop so that students could understand the content of the release.

posted these photos on a website to which all participants had the URL.

- Asking the ESL instructors to explain to students in advance of the workshop that participants might see cameras, but that only the backs of heads would be included in photographs taken at the event absent authorization.

4.4. Specific Content Issues: Domestic Violence and Police Violence

There is a fine line between portraying legal actors, including police, as accessible, honest, and humane, and recognizing that police violence poses a risk for refugees and immigrants nationwide. The curriculum addressed this tension in two ways. First, the materials and speakers conveyed the message that the criminal justice system is not perfect and much could change to protect minority populations.²⁰⁵ Second, the curriculum included a segment on police stops. For example, recognizing that the practice in some cultures is for the driver to exit the vehicle, the curriculum instructed on the dangers of doing so in the United States. Underscoring a related risk, the police officer who distributed emergency language cards instructed recipients not to reach for them quickly during a police stop.

Domestic violence, including child abuse, is also difficult for some groups. All groups included both men and women, and there was a possibility that anyone could have been an offender or a victim. The translated written materials provided contact information and resources for victims. Because different groups have vocalized disagreement with domestic violence rules during earlier workshop renditions, organizers amended the materials and volunteer training to emphasize two points. First, the instruction is not intended to generate agreement with the rules, but to highlight legal norms and

²⁰⁵ The curriculum addresses possible discrimination in the criminal justice system. The chief of police made this point during the 2015 workshop in his address to participants.

consequences of violations. Second, volunteer instructors are prepared for questions about how families can legally address family conflict, including child discipline.

4.5. *Next Steps*

Changes to the workshop format and process, as well as additional interactive opportunities, could help advance the role of community-based legal workshops in strengthening the social bridges element of integration.²⁰⁶

Within the current workshop format, for example, the organizers could involve refugees more in revising the curriculum and in workshop planning beyond making adjustments based on refugees' evaluative comments. More time could be included for participants to address the legal systems and cultures in their country of origin so that learning can be more cross-cultural.

In addition, collaborators could train refugee community leaders on legal rights and on resources that provide legal help and information. Training could assist these leaders in facilitating access to these resources within their communities.²⁰⁷ Leaders could then help others understand when they might have a right to legal protection and how to go about investigating options for asserting their rights.

Finally, a common theme that has run throughout the three workshop renditions involves U.S. law and cultural norms surrounding gender roles and family relations. Invariably, participants seek more information on parenting, disciplining children, and resolving family conflicts. Some groups also express concern over gender roles both within and outside of families.²⁰⁸ Other observers have commented on the lack of resources provided by the U.S. re-

²⁰⁶ These conclusions stem solely from the Author's observations and have not emerged as part of the collaborative workshop process.

²⁰⁷ For example, accessing Washington State's civil legal aid resources is a challenge, even for those who speak English well.

²⁰⁸ One volunteer teacher recalls a male participant proclaiming that "the U.S. has rights only for women." Interview with Mary Pat Treuthart (Jan. 20, 2017).

settlement process to address the challenges of parenting and mentoring children in what is, for many, a profoundly different cultural environment.²⁰⁹ A productive follow-up step could involve creating workshops concentrating specifically on these sensitive issues.

5. CONCLUSION

National security and refugee protection are not mutually exclusive. The United States can work to protect its security and simultaneously uphold its humanitarian and legal commitment to protect refugees. Integration of resettled refugees can complement rather than weaken national security.

As a UNHCR resettlement state, the United States has an obligation to promote the integration of the refugees it admits. A two-way process of integration can enhance successful resettlement and bolster the security of refugees and the communities in which they relocate.

To date, the United States refugee resettlement program has not effectively promoted sustainable resettlement nor met the UNHCR mandate to facilitate integration. The program's singular focus on rapid economic self-sufficiency makes long-term economic independence difficult for some refugees to attain and does little to address other elements deemed central to integration. The assumption that refugees can successfully resettle by immediate participation in the work force reflects a free-market approach to social welfare that analysts have disparaged, especially since the 2008 financial crisis.

Local communities can support refugee integration even in the absence of a U.S. integration policy. Community welcoming efforts are even more important when national anti-immigrant sentiment incubates hostile environments. A community workshop to help refugees become familiar with their legal rights and obligations is just one example of an initiative that facilitates integration. It does so by strengthening the rights and citizenship foundation of integration and contributing to the domains of social connections, and language and cultural knowledge.

²⁰⁹ Hing, *supra* note 139, at 1898 (addressing the lack of resources provided to refugees to help them acquire long-term parenting skills in a new environment where "old country approaches" fail).

Integration represents more than a public policy challenge for resettlement states or an experiment in theory for scholars. Local integration efforts centered on law have produced tangible benefits. Participants' evaluations consistently indicate they have learned important information. City prosecutors dismissed charges against three refugees who participated in the workshops following their alleged infractions.²¹⁰ Others hopefully have used their knowledge of the criminal justice system to avoid violations. Some may have sought an interpreter at a child's school or asserted other rights introduced to them. Dozens of volunteer lawyers now understand more about this diverse population, including shared desires to keep families safe and connected and to invest in children's futures. Such interactions can cultivate mutual safety and wellbeing by blurring the imaginary line between "us" and "them."

²¹⁰ E-mail from Justin Bingham, Spokane City Prosecutor, to Author (Jan. 16, 2017) (on file with Author) (noting that none of the three have returned with subsequent charges to the best of his knowledge).